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AMENDMENTS TO THE  
ADMINISTRATIVE EXPENSES ACT  
(Travel Expenses)



HEARING  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON  
GOVERNMENT OPERATIONS  
HOUSE OF REPRESENTATIVES  
EIGHTY-FIFTH CONGRESS  
SECOND SESSION  
ON  
H. R. 11133 and S. 1903  
BILLS TO AMEND THE ADMINISTRATIVE EXPENSES ACT

APRIL 23, 1958

Printed for the use of the Committee on Government Operations



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# AMENDMENTS TO THE ADMINISTRATIVE EXPENSES ACT

To Amend Section 7 of the Administrative Expenses Act of 1946, as Amended, To Provide for the Payment of Travel and Transportation Cost for Persons Selected for Appointment to Certain Positions in the Continental United States and Alaska, and for Other Purposes

WEDNESDAY, APRIL 23, 1958

HOUSE OF REPRESENTATIVES,  
EXECUTIVE AND LEGISLATIVE REORGANIZATION SUBCOM-  
MITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D. C.*

The subcommittee met, pursuant to notice, at 10:30 a. m., in room 1501B, New House Office Building, Representative William L. Dawson, chairman of the subcommittee, presiding.

Present: Representatives Dawson, Brown, and Michel.

Also present: Elmer W. Henderson, counsel; David Glick, legal analyst; and Lawrence Redmond, clerk.

Chairman DAWSON. Let the meeting come to order. We are happy indeed to have with us Mr. Ellsworth, the new chairman of the Civil Service Commission. I got to know your predecessor quite well and had many very fine experiences with him.

We will try to get this out in time this year for the Senate to act on it. They did not have time last time.

These hearings are being held by the Subcommittee on Executive and Legislation Reorganization as part of its consideration of H. R. 11133 and S. 1903, both bills having to do with travel expenses of Government employees.

We will take up H. R. 11133, which was introduced at the request of the United States Civil Service Commission. This bill is identical with H. R. 11515, which passed the House but died in the Senate in the 84th Congress.

Our first witness will be Mr. Harris Ellsworth, Chairman of the Civil Service Commission.

Before we call on you, Mr. Ellsworth, I think we will have the bill read by Mr. Glick.

(H. R. 11133 is as follows:)

[H. R. 11133, 85th Cong., 2d Sess.]

A BILL To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the continental United States and Alaska and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808, as amended, 5 U. S. C. 73b-3) is further amended by



inserting "(a)" after the section number and by adding at the end thereof new subsections as follows:

"(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons selected for appointment to positions in the continental United States and Alaska for which there is determined by the Civil Service Commission to be a manpower shortage and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection to their first duty station. Such travel expenses may include per diem and mileage allowance for persons selected for appointment as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected for appointment has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

"(c) Appropriations for the departments shall be available in accordance with regulations prescribed by the President for expenses of travel while away from their homes or regular places of business of persons who are found qualified to perform in positions for which there is determined by the Civil Service Commission to be a manpower shortage and who are invited by an agency or department to visit it for purposes connected with employment. Such travel expenses may include per diem in lieu of subsistence and mileage allowance as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended.

"(d) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated. The provisions of subsections (b) and (c) of section 7 of this Act shall expire five years from the date of their enactment into law."

**STATEMENT OF HARRIS ELLSWORTH, CHAIRMAN, UNITED STATES  
CIVIL SERVICE COMMISSION; ACCOMPANIED BY WARREN B.  
IRONS, EXECUTIVE DIRECTOR, UNITED STATES CIVIL SERVICE  
COMMISSION**

Mr. ELLSWORTH. Mr. Chairman and members of the committee, I have with me at the table Mr. Warren Irons, the Executive Director of the Civil Service Commission. Mr. Chairman, I have a statement which I would be glad to read at this time.

I am very glad to have a chance to appear before this committee on this bill, H. R. 1133. This legislation was developed by the Civil Service Commission and has the full support of the administration. Its purpose is to assist the Federal service in recruiting the highly qualified and specialized work force needed to meet the unprecedented problems which Federal agencies face today.

Your subcommittee previously considered a bill similar to H. R. 11133 to pay the travel and moving expenses of new employees, in shortage categories. In July 1956, Mr. Macy, former Executive Director of the Commission, testified on that bill which was H. R. 11515 of the 84th Congress. Your subcommittee amended the bill in several respects and then reported it favorably to the House where it was passed. The bill you have before today is identical to the one which you reported out favorably and which passed in the House of Representatives. In submitting the current proposal to the Congress, we included the very fine amendments which your subcommittee made to our previous bill.



The need to pay travel and moving expenses for new employees in shortage categories has become intensified in a number of respects since we submitted our initial proposal along this line. We have suddenly found ourselves in an age where we will soon be exploring the outer reaches of space, an age where satellites, rocketry, and lunar probes are becoming household words. This is an age which the Government laboratory and research centers had much to do in bringing about and in which our laboratories will continue to have a vital and leading role. As we gather new understanding and new knowledge about the universe, our requirement for manpower in many technical fields will grow, too. Yet it is in these very technical fields that the most serious manpower shortages occur today and are likely to continue in the future.

To play the important role assigned to them in the space age, Government laboratories and research centers must be able to attract highly qualified persons with ability and competence. We believe that the Federal Government should be able to attract the best talent that our colleges and universities are producing. In occupations in which there are numerical shortages, there are even more serious shortages of quality. The Government as an employer must do all that it can to attract the highly talented man and woman. It must remove any roadblocks in the way of recruiting the best person for the job. Failure to pay travel and moving expenses for new employees is such a roadblock. The legislation you are considering today would put the Federal Government in a more competitive position with private industry in recruiting highly qualified persons in shortage categories.

Despite recent changes in the labor market, critical shortages of highly trained specialists remain in many occupations. Our most recent information indicates that there is a strong and continuing demand for highly skilled scientists and engineers on the part of industry and universities. The Bureau of Labor Statistics indicates that shortages of trained manpower will continue for a number of years until the supply produced by our universities tends to catch up with the demand.

The Civil Service Commission and the executive branch as a whole have already taken a number of steps to improve the ability of the Federal Government to recruit personnel in shortage categories. Action has been taken within the limitations of current legislative authority to increase the pay of certain categories of scientists, engineers, and other technical personnel. An administration pay proposal is now pending in the Congress. The Commission has made a number of changes in its recruitment methods and hiring practices to give agencies the maximum opportunity to compete with other employers in the search for highly qualified personnel. The authority to pay travel and moving expenses for new employees and the payment of travel costs of qualified applicants to visit Federal installations, as provided in H. R. 11133, is simply another one of the ways in which the ability of the Government to attract the highly qualified people it needs could be materially improved.

In recruiting personnel, the Government is in competition with private employers. Private employers generally pay travel and moving expenses for their new employees, particularly those in the technical skills they need and those in administrative and technical

positions. The Federal Government does not pay similar expenses for its new employes. To ask a person to absorb a costly moving bill and the cost of transporting himself and his family is like asking him to take that much of a reduction in salary. In today's labor market with the shortage of trained and specialized talent, this simply means that the Government fails to get the kind and quality of people it needs to do the important jobs that must be done.

Government contractors, we find, pay the travel and moving expenses of their employees. This is true in their private operations as well as in their work for the Government. When we surveyed the practices of contractors doing work for the Atomic Energy Commission, we found that 25 out of 27 of them paid all the persons' travel expenses and all transportation cost for household goods and for newly hired professional employees. These 27 contractors together employed at the time of our survey 75 percent of all private employees on Atomic Energy Commission work.

A survey of the Office of Naval Research contractors showed that at least 75 percent of them paid the moving expenses and personal and family travel costs for new employees in shortage categories.

The Air Research and Development Command had at the time of our survey about 145 contractors of the large industrial type. Ninety percent of them paid moving and travel expenses for new employees and their families.

In all of these contracts these expenses were recognized as proper costs of the project and the contractor was reimbursed for them by the Federal Government. It is important to note, however, that these contractors follow the same policy in connection with their private operations as they do on Government contract work. In other words, they do not do this only when reimbursed by the Government.

The New York Times of April 20, 1958, just last Sunday, showed a number of private companies offering the payment of travel and moving expenses in their advertisements for scientific and engineering personnel.

Mr. Macy, the former executive director, in his testimony before your subcommittee pointed out specific instances where the Government had lost the chance to hire qualified people because travel and moving expenses were not paid. Interested people often become disinterested when they find that their travel and moving expenses will not be paid. One example of this is shown by a survey which was mentioned in previous testimony that was conducted by a board of United States Civil Service Examiners servicing a number of important naval installations on the west coast. This board sent a questionnaire to several hundred persons who had shown interest in Federal employment but had later accepted jobs in private industry. More than half of such persons who replied to the questionnaires stated that one of the reasons they did not accept the Government's offer was the fact that the Government would not pay their travel and moving expenses.

Additional examples are given in the statement of purpose and justification which we forwarded to the Congress with the proposed legislation. We believe this situation continues today in the technical occupations, and particularly with respect to the highly qualified people who could make significant contributions to important Government scientific and engineering programs. A recent (1957) survey



by a Government agency of manpower requirements in the chemical industry showed that the practice of the larger companies was to pay the travel and moving expenses of new engineering and scientific employees.

Another limitation on the ability of the Government to recruit highly qualified personnel in short supply is its inability to pay travel expenses to bring persons into the Government laboratories for pre-employment interviews. The kind of equipment a man will have to work with, who his coworkers will be, the kind of living conditions his family will have, all these are important factors in deciding whether or not to take a Government position. Industry has long been aware of this. At the time of our survey, 21 of the 27 largest Atomic Energy Commission contractors paid the cost of travel to their plants and laboratories for preemployment interviews in connection with filling key scientific and technical positions. Contractors for the Office of Naval Research and for the Air Research and Development Command also paid such travel costs. The recent survey in the chemical industry which I mentioned before showed that many chemical companies were also paying the travel costs for plant visits prior to employment.

The Government has an important recruitment advantage in the excellence of its laboratories, equipment, and physical plant. We also have a number of the foremost scientific and technical people in the world on our rolls. They are working on challenging new problems. All of these things can be and are powerful inducements in the recruitment of able, dedicated scientists and engineers. However, we cannot capitalize on this advantage unless we can bring qualified people in to see the physical plant and meet the people with whom they are going to work.

We therefore need not only authority to pay the travel and moving expenses of newly hired employees but also the authority to bring fully qualified people in to the Government installation to see the physical plant, meet the people, and find out about the work and living conditions. This authority would be used only for those prospective employees who were found to be fully qualified beforehand, and where enough real interest has been shown that there was a reasonably good chance that the applicant would be employed.

The need for the payment of these expenses extends beyond scientists and engineers to many other occupations for which there is a manpower shortage. Many of the support occupations in the scientific and engineering fields remain in short supply. There are shortages in the medical and public-health fields. There are shortages in key professional jobs in many agencies. Some shortages are nationwide; others are purely local. Shortages in Alaska are an example of geographical manpower shortages affecting almost all occupations.

Industry does not confine these payments to scientists and engineers. Private companies use it to increase their ability to attract people when they need them. The Government should be able to do the same thing. Flexibility to meet the kinds of shortages that occur is important if this legislation is to be of maximum benefit to the Government.

Under the proposed legislation, we expect that the payment of travel and moving expenses of newly hired employees and the payment of travel costs of applicants will be governed by regulations

prescribed by the Director, Bureau of the Budget. The Director now has the responsibility for prescribing other travel regulations.

The Civil Service Commission would have the responsibility for determining which positions are in short supply. This provision is extremely important in order to keep administration of this legislation abreast of changes in the labor market. We plan, if this bill is enacted, to restrict its application to those positions where manpower shortages exist and where it appears that the use of this legislation would aid in recruitment. The Civil Service Commission has had considerable experience in identifying shortage occupations. We now do this under section 803 of the Classification Act of 1949, as amended, in determining when payments above the minimum of the grade are appropriate. We expect to apply the same general principles and procedures as we now use under section 803 in determining those shortage positions to which this legislation would apply.

The Commission would also consider an agency's proposal to pay these expenses for particular positions not otherwise provided for when a showing was made that there was a need in the particular agency or installation. Where the supply became ample for any position, the legislation would not longer apply to them.

Funds to pay travel and transportation costs authorized by this proposed legislation would be secured by individual agencies through their appropriation requests to the Congress. The fact that the Civil Service Commission will determine the particular positions for which the payment of travel expenses may be made, and the fact that agencies must justify to the Appropriations Committees of the Congress the funds which would be used for this purpose, will assure that this authority would be administered in the best interests of the Federal service.

There is another important safeguard in the proposed legislation. Employees must agree in advance that they will reimburse the Government if they leave the Government service within 12 months after their appointment except for reasons beyond their control and acceptable to the Department or agency concerned. This safeguard is similar to a provision in current law for the payment of travel and moving expenses of employees to overseas stations. We believe that it will insure that the Government gets a fair return for the money expended.

In our justification statement, we estimated that the annual cost involved in filling about 4,000 positions will be approximately \$4,500,000, including the cost of preemployment interviews.

We believe these estimates are reasonably close. They were based on expected number of hires in shortage occupations given to us by the Federal agencies and on the average cost of travel and moving based on actual transportation costs.

Mr. Chairman, we believe that the cost of legislation will be well repaid by the increased ability of the Government to attract highly qualified scientific, engineering and other shortage category personnel to meet its responsibilities now and in the challenging years ahead.

I wish to thank you for your kind attention. I would be glad to attempt to answer any questions.

Chairman DAWSON. Mr. Brown.

Mr. BROWN. As I understand it, Mr. Chairman and Mr. Ellsworth, this legislation is identical with the measure that passed the House

last year, although I am not sure in my own mind what happened to the legislation in the Senate. Did it simply sleep away there, was it defeated in committee, or was it brought up and defeated on the floor?

Chairman DAWSON. I think it slept there. I think it died of old age.

Mr. ELLSWORTH. I cannot answer precisely, but it is my recollection that it never reached the hearing stage. It simply was late in the session, and it was not taken up.

Mr. BROWN. Now, as I understand this bill, this is a one-shot arrangement which you propose, so employees get this travel only once when they are hired.

Mr. ELLSWORTH. That is right.

Mr. BROWN. And if they go to Alaska or someplace else, they do not get it every 2 years.

Mr. ELLSWORTH. That is right; just the first hiring.

Mr. BROWN. The first hiring?

Mr. ELLSWORTH. The first hiring.

Mr. BROWN. I ask that question because we also have before us today S. 1903, which has passed the Senate of course, and which provides that travel to and from the United States shall be permitted, seemingly, every 2 years; but I think there might be a joker in this bill for persons who are assigned overseas and who have been confirmed by the Senate. Now, as I understand it, travel allowances of this type are made for military assignments overseas and for regular workers' assignments overseas on a 2-year tour of duty basis instead of 1 year.

Mr. ELLSWORTH. I think that is right.

Mr. BROWN. I am wondering why it would not be a little more protective of the Government to provide they must stay 2 years instead of 1 year. Twelve months seems to be a short time. They just get acclimated in the job in 12 months.

Mr. ELLSWORTH. That would be a matter for the judgment of the committee.

Mr. BROWN. That is the usual length of time. I think it goes a little further in some of the services, where men graduating from the service Academies agree to stay 5 years, and certain medical appointees and others must agree to stay as long.

Mr. ELLSWORTH. I am not familiar in detail with this other bill that you mentioned. I am under the impression, however, that that has somewhat to do with home leave; does it not?

Mr. BROWN. That is right.

Mr. ELLSWORTH. So there would be a different point involved there.

Mr. BROWN. I understand that, but it just seems to me that a year's tour of duty is a little short to get your expenses paid over there and back, and your moving, and so forth and so on.

Mr. ELLSWORTH. This is just one way.

Chairman DAWSON. This does not say anything about getting back.

Mr. ELLSWORTH. A one-way trip.

Mr. BROWN. Of course, you and I know the Government will bring them back. You do not need to worry about that. Travel to Hawaii from their homes, and whether they are going to or from.



Mr. HENDERSON. Alaska is the only overseas place involved in this bill.

Mr. BROWN. What about Hawaii?

Mr. ELLSWORTH. The bill mentions Alaska but does not mention Hawaii.

Mr. BROWN. There is a great argument before some of our committees now as to statehood for Hawaii and Alaska and whether Alaska and Hawaii, either one, is part of the continental United States. Some people say that they are, and some people say they are not. I never knew very many rulings handed down on spending the public money that was in favor of the Government, and I am just wondering how much damage it might do, or how much more difficult it might make your work and your procurement, if we made it 2 years instead of 1 year. That is the normal tour of duty for most people, military service and otherwise.

Mr. ELLSWORTH. Do you have a thought on that, Mr. Irons?

Mr. IRONS. I believe we initiated the 12 months in the bill last year. That fits in with our normal probationary period in the civil service, and in civil service we do not normally think in terms of 2 years the way the military does.

Mr. BROWN. Of course, you have an arrangement in here that for any practical reason they are not held to it. That would mean, of course, that regardless of the probationary period, if they were found unsatisfactory, the money would not be reclaimed.

Mr. IRONS. That is correct.

Mr. BROWN. They would be sent home or sacked, and if they do prove satisfactory I think you would be interested in keeping them there a reasonable length of time.

Mr. IRONS. Yes.

Mr. BROWN. Which would be 2 years rather than 1 year.

Mr. IRONS. It would be for a lifetime preferably, sir, not even 2 years.

Mr. BROWN. I would not say that a reasonable length of time should simply be the probationary period. I do not want to make too much of a point of it. It passed the House this way. I think perhaps one reason the Senate did not take action was because the time was a little short.

That is all I have, Mr. Chairman.

Chairman DAWSON. Mr. Michel.

Mr. Michel. No questions, Mr. Chairman.

Mr. HENDERSON. Mr. Ellsworth, do you feel this bill would create any pressure on the part of people in other occupations to have the same benefits applied to them?

Mr. ELLSWORTH. Yes; we would probably experience similar pressure with respect to this legislation as we have with respect to the authorization in section 803, which we have lived with now for quite a little while. It is just natural that everybody would like to have the provisions of this bill. It is equally certain that the Commission could not authorize everybody to have those provisions. With this, like many of the other things that we have to do, we have to use our very careful and best judgment and stand by our decisions and hope we are right.

Mr. HENDERSON. Do you think, Mr. Ellsworth, that if this were enacted it might put prospective scientists and engineers in a mood



of shopping around from one Government laboratory to another and being shipped to more than one place?

Mr. ELLSWORTH. I do not think that could happen, because whether or not an applicant goes to a laboratory it is at the laboratory's or the hiring agency's discretion. They can invite a person to come for a preemployment interview or not, and it is quite likely if a man has gone to one place and has had an offer and has not accepted it he probably would not be invited any more.

Mr. BROWN. I have a son-in-law and daughter in California I would like to see very much. If I should be defeated for reelection, and next winter he has one of his friends in a defense industry suggest they might have a place for me if I would come out and apply, it would make a nice way for me to make an expense-paid trip; would it not?

Mr. ELLSWORTH. It might work.

Mr. BROWN. Of course, I would get caught at it, but I am not sure about anyone else.

Mr. ELLSWORTH. I expect that would depend on the judgment of the agency head.

Mr. BROWN. We have not always been overly impressed by the judgment of all the agency heads with whom we have come in contact in the last 25 years.

I am wondering about another thing. For instance, we are laying off a lot of men out at Wright-Patterson and other airbases because of change in equipment, and from gasoline-powered planes to jet planes. What about those individuals who have some civil service rights and standing, long years of service? What about them going out and looking for another job in these different agencies? Would they get their travel? They are entitled to reemployment, or supposed to be. I do not see many of them reemployed.

Mr. ELLSWORTH. I believe quite a high percentage of the career employees who have been "r. i. f. d.," as we say, have actually been reemployed in other jobs.

Mr. BROWN. Suppose they have to go, in order to make their living, out to Arizona, we will say? Does the Government pay that?

Mr. IRONS. No; they do not.

Mr. BROWN. They would not be in quite as good a position after having worked for the Government for 12 or 20 years as some individual who had never worked for the United States and just wanted to get a new position; is that right?

Mr. ELLSWORTH. I assume if they were in the shortage category they could become applicants and come under this.

Mr. IRONS. They would have to be in the shortage category.

Mr. BROWN. I brought that up because I know we have employee surpluses in different places. When we lay somebody off, we may have great shortages in the same category someplace else.

Mr. ELLSWORTH. We have just made a check of the shortage categories as of today. As you point out, this does change from time to time. Right as of April 22, yesterday, for example, there were eight specific shortage categories: electronic scientists, chemists, physicists, particularly in what they call solid state physics, electrical engineers of all grades, electronic engineers of all grades, mathematicians from GS-7 up are short, metallurgists have been and are short, and ceramic engineers are short. My guess is that the people

in those categories would not be laid off. Therefore, the point you make probably would not apply, and if they were laid off they would certainly be called immediately somewhere else.

Mr. HENDERSON. So just because they are short in one section of the country does not mean that there may not be a surplus somewhere else, and if that surplus did exist these provisions would not apply?

Mr. ELLSWORTH. I do not believe they would.

Mr. IRONS. Normally, sir, the shortage areas are usually on a national basis. Now, we have some instances where there is a shortage, say, in San Diego but not in Boston. In those cases we merely declare the shortage area to be San Diego, and the rules here would apply only for positions in the San Diego area.

Mr. HENDERSON. Then you would pay people to go from Boston to San Diego?

Mr. IRONS. Yes; if we were still declaring that to be in a shortage category.

Mr. HENDERSON. Even though the people that you want actually existed because there would be a surplus in Boston?

Mr. IRONS. Let me make it clear that this legislation would permit that. Whether the Commission would decide to do it or not is something else again. You have to appraise these situations as they actually arise.

Mr. HENDERSON. Mr. Ellsworth, if this law were in effect now would the occupations that you mentioned be the only ones?

Mr. ELLSWORTH. No, it would not. I merely gave those as being the results of a survey as of yesterday. We made a quick check, and these are clearly in shortage. Now, there undoubtedly would be others, but that would have to develop from the agency requests.

Mr. HENDERSON. Mr. Ellsworth, you estimate this bill would cost an additional \$4,500,000 yearly. Could you break that down between the preemployment interviews and the moving expenses to the job?

Mr. ELLSWORTH. It would be difficult. First of all, these are not precise figures; they are the best estimates that we could arrive at. We take an average mileage, for example, and we estimate that of the 90,000 interviews, 4½ percent of them might be in these categories, and that the average movement of household goods of 4,000 pounds, we will say, will be \$800, and by making the necessary multiplication we arrive at the \$4,500,000. Actually, the preemployment interview would not average more than \$150 each, and it is not our thought that that would be a very big part of the \$4,500,000. But it would be a little difficult to break it down.

Mr. HENDERSON. Would it be fair and reasonable in your judgment if this bill were limited to occupations in which the general practice that we are referring to does exist in industry? This bill would apply to all shortages, all occupations in the shortage category.

Mr. ELLSWORTH. So declared by the Commission; yes.

Mr. HENDERSON. Only certain industries provide these benefits for their prospective employees, and I presume only in certain occupations. One of the arguments for the bill is that this would put the Government in a better competitive position with those industries that do that.



Mr. ELLSWORTH. I think the better terminology would be to use the word "company," because I think you would probably find companies in different industries here and there who would do this thing. We just clipped out some advertisements from the New York Times for Sunday, April 20, if the committee would like to look at them. Here is a company in Waltham, Mass.—"Interview and relocation expenses will be paid by Sylvania." With reference to Grumman, the aircraft engineering corporation—"We pay moving expenses." In the ad by Airborne Instruments Laboratory, Inc., it says, "General benefits program and relocation expenses."

Mr. IRONS. I wonder if I might comment a little further in response to that question. This bill is far more conservative than is the usual industry practice in paying costs of travel to the first point of duty. We are limiting it here to merely the shortage, where we have officially pronounced shortage categories, and to further impose a restriction on the Civil Service Commission that it has to survey companies as well, to see whether they generally follow this practice it seems to me is really not necessary properly to appraise the situation. As a matter of fact, industrial practice is far broader than just the shortage category, far broader.

Mr. BROWN. Of course, part of the answer to the problem may be found in Congress passing a law to prohibit private industry from including, as a part of their charges against the Federal Government on a cost-plus basis, these different payments for travel for engineers, and so forth. I was in one plant not too long ago and the janitor was called "a sanitary engineer." Of course, he was getting pretty good pay, but the industry did not care very much because they put a little percentage of profit on top. Some of this has gone, as they say about Kansas City, "about as far as you can go." So that might be a partial answer to your problem here. I suspect there might be a few of these people holding Government contracts that are not too much interested in holding down the number of employees or the cost thereof, so long as they get their profits on a cost-plus basis. I presume in these shortage categories we have to do something, but we are competing with ourselves. The Government is going to pay this in order to compete with what the Government pays to private contractors.

Mr. MICHEL. And those industries cited are all doing business with the Federal Government to a great extent.

Why would there be a limitation of 5 years? Is this in your judgment, Mr. Ellsworth, just a temporary inducement that is needed, or as so many things that are temporary will this eventually be permanent? Having been a former Member of the Congress, and knowing full well how we like to take another look, I am sure you have an opinion on this.

Mr. ELLSWORTH. Of course, one thing that I recall in the years I was here is that most of the legislation on which we very sagely put limitations is still in effect, with the limitations continued each time. Seriously, though, I think the purpose of this sentence is to say in effect that this is something we have not done before, so instead of writing it into the permanent law of the land irrevocably we put a 5-year limitation on it to have a look. I am not sure whether that was in the original bill as submitted a year ago or whether it was

put in as a committee amendment last year, but I think probably the committee might have added that to the bill last year.

Mr. MICHEL. To make it a bit more palatable.

Mr. ELLSWORTH. As a safeguard.

Mr. GLICK. Mr. Ellsworth, I have a question which might be of interest to the committee. On page 8 of your statement you indicate that the agencies would secure funds for payment of these expenses from their appropriation requests to the Congress. To apply for those funds, would there first have to be a determination by the Civil Service Commission that there is a shortage existing and the funds so earmarked, or could they apply for funds on the contingency that a shortage will exist?

Mr. ELLSWORTH. They already have a basis on which to do some figuring because of the 803 authority which we have in the Classification Act to increase the pay in shortage categories to the highest step in the grade. Now, since most agencies have already made application and have had that particular point adjudicated by the Commission, most any agency now could figure out rather closely how much they are going to need for the interviews and the in-hiring. They know what the rate of turnover has been. They know what their rate of applicants has been, and so on. I think probably that would be the answer to that particular question.

Mr. IRONS. It would be a part of the regular travel request. We ask the Congress for so much for travel. We have to allocate that among investigations and examinations, and so much for this kind of thing here.

Mr. GLICK. Specifically, would the Commission determine in advance that a shortage exists prior to the request for funds?

Mr. IRONS. No.

Mr. ELLSWORTH. Not specifically beyond the limits that I just gave. Actually, an agency could guess pretty closely what the Commission is going to do. If they have a definite shortage category, they know it, and they doubtless can prove it. It has been our experience with 803 that they very seldom make a request that is not well documented. I do not think you would have too much trouble. Besides, I do not believe the appropriation request would cite a specific amount. I think it would be in the lump travel sum, but with this as part of the justification for the lump sum, which would mean it could go and come materially within the travel appropriation.

Mr. GLICK. I take it from what you have said that the agency would inform the Civil Service Commission that in their opinion a shortage in a certain field exists and request Civil Service to certify that?

Mr. ELLSWORTH. That would be the case if it had not already been determined previously.

Mr. HENDERSON. Mr. Chairman, the General Accounting Office has made a couple of suggestions for amendments to the bill, and I would like to have your views on them, Mr. Ellsworth. They propose that a weight limitation be placed on moving personal effects and household equipment.

Mr. ELLSWORTH. I think that is entirely reasonable.

Mr. HENDERSON. Would you have a suggestion as to the amount?

Mr. IRONS. I would like to ask GAO what it is they suggest as the weight limitation.



Mr. JAMES CAMPBELL (GAO). We should think you would use the same weight limitations as presently are used under Executive Order No. 9805.

Mr. GLICK. Will you please identify yourself.

Mr. CAMPBELL. My name is James Campbell, from GAO.

Mr. BROWN. What are those weight limitations?

Mr. CAMPBELL. I believe, sir, the net weight limitation is 7,000 pounds today. It would be very easy to verify it, but to the best of my recollection that is what it is, and a gross weight I think of 8,750.

Mr. ELLSWORTH. I wonder if I could ask whether that would not be covered under the section of the bill which provides that the Bureau of the Budget sets up the regulations. I do not know whether that section covers it or not, but it might.

Mr. CAMPBELL. It could be handled by regulation. I think we recognize in our report that perhaps the Congress would want to consider it a matter properly for regulation, but also if you wanted to insure that the limitation not be exceeded it could be put in the law.

Mr. HENDERSON. Would you have any objection to that, Mr. Ellsworth?

Mr. ELLSWORTH. We would have no objection to a proper and reasonable limitation that was in conformity with other law. I do think it could be done administratively through the Bureau of the Budget requirement, and just as a matter of preference I would rather see it done that way, but as I say we have no objection if the committee wants to add that limitation.

Mr. HENDERSON. Mr. Campbell, would you explain your other suggestion about the commuted basis?

Mr. CAMPBELL. There is another point that we raise there. We have held in numerous decisions over the years that you cannot make a commuted payment in lieu of an actual expense payment unless commutation is authorized by law. With respect to household-effects shipments, the law presently provides that where a shipment is made between two points within the United States it shall be made at a commuted rate established by the Bureau of the Budget. For those shipments involving overseas transportation, it is made on an actual expense basis. Our only point here was if you want to authorize a commuted payment for these shipments, such as is now provided under section 1 of the Administrative Expense Act, then this act also should expressly provide for payment on a commuted basis.

Otherwise, by decision, we might be required to hold that a man would be entitled only to the actual costs of the shipments involved.

Mr. MICHEL. What do you mean specifically when you say "commuted"?

Mr. CAMPBELL. "Commuted," I would say, is a term used to authorize a payment of an estimated cost of shipment of effects under appropriate regulations without a showing of each item of costs and having an employee specifically prove it.

For instance, under Bureau of the Budget regulations you figure out the distance to be traveled. You figure out the weight of effects. And you say a man moving this many effects over this distance is entitled to so much reimbursement. That is reimbursement at a commuted rate.

Mr. BROWN. But that rate would vary according to the amount of the weight?

Mr. CAMPBELL. Weight and distance.

Mr. BROWN. And the distance.

Mr. CAMPBELL. Yes, sir.

Mr. BROWN. Now, certainly there ought to be no difference between the two thoughts there and that is they should be reimbursed for the actual expense. You do not have anybody making a profit off these shipments; do you?

Mr. CAMPBELL. Well, not normally. I mean it could operate that way in individual cases. But I think experience has shown that generally they get reimbursed maybe a little less than cost in a lot of situations under the commuted basis. But it does away with all the tremendous problem of verifying receipts, of having a man send in receipts in the first place, and then checking those receipts and verifying amounts and making payments on the basis of actual costs expended.

Mr. BROWN. Let me ask you one other question. If this bill were enacted into law, would the Government pay for crating all the furniture?

Mr. CAMPBELL. We think that could be handled by regulation.

There is one item here, however, which also under our decisions we feel should be expressly inserted in this bill, and that is for temporary storage.

We have held that laws authorizing transportation do not necessarily include authority to store goods for any period of time and that if a provision is intended or if authority is intended to allow these employees to temporarily store their goods incident to a move, then we should have express authority in this law for that purpose.

Costs of packing and crating, I think probably you could say by regulation that is part of transportation, because you have got to pack effects before you can ship them.

Mr. BROWN. Crating is pretty expensive and pretty heavy; isn't it?

Mr. CAMPBELL. That is right.

Now, I should like to point out that the Administrative Expenses Act specifically spells it out. It says packing, crating, unpacking, uncrating, temporary storage. And I should think it would be desirable to do the same thing in this law.

Mr. BROWN. We once had a case before this committee as to the cost of sending a youngster's tricycle overseas. You could have bought a dozen tricycles overseas cheaper than crating and shipping the one.

There are a lot of foolish, simple, and stupid things done by a lot of Government officials, so I am just wondering how close we are going to check on that.

Mr. CAMPBELL. Those overseas shipments present a very difficult problem, especially where they are shipped by vessel. Lots of times they have to crate them excessively heavily because other cargo is thrown in on top of them, and unless they are adequately crated they would not be protected.

Mr. BROWN. I hope that tricycle was not injured.

But, now, the other thing I have in mind, of course, about this temporary storage, is this: If a fellow is going to stay only 12 months,



that temporary storage cost could not amount to too much if he never uncanted it; could it?

Mr. CAMPBELL. I think the present law is 60 days.

Mr. BROWN. Is there a limitation on the length of time?

Mr. CAMPBELL. Sixty days under present law is the limitation. In other words, when a man moves, it may be that he does not have a residence.

Mr. BROWN. If he cannot find a house. I understand.

Mr. CAMPBELL. He would have to put his goods in temporary storage.

Mr. MICHEL. Would you say in a general way that the rules and regulations applicable to the military services and their movement of family and household goods would be the same for civilian components as in the Civil Service?

Mr. CAMPBELL. Well, you understand, today they are different. There are two different systems for military and civilian. And I would think that this bill should be in accordance with the general rules regulating civilian shipments that are in effect today. I take it you——

Mr. MICHEL. Should there be any marked difference between the two?

Mr. CAMPBELL. On the whole?

Mr. MICHEL. Yes.

Mr. CAMPBELL. That would be something that I would not really be prepared to answer at this time, something we could take under advisement. There are pros and cons on the thing. In some cases it might be that the actual expense basis of shipment which is used by the military would operate maybe a little less expensively than the commuted-rate method used for civilians. In other cases we find the commuted-rate method would operate more economically for the Government.

So I would not like to say on a general basis that one system is better than the other without a thorough study of the matter.

Mr. MICHEL. I take it then no study has been made by the General Accounting Office?

Mr. CAMPBELL. I do not think we have made a study, sir.

Chairman DAWSON. If there are no further questions, thank you very much, Mr. Ellsworth. We enjoyed your return to the Hill so much.

Mr. ELLSWORTH. Mr. Chairman, Mr. Irons would like to add one sentence.

Mr. IRONS. I would like to say this: The General Accounting Office has offered some suggestions that seem to have merit. They are technical, and we in the Civil Service Commission are not technicians in this field of travel and transportation as GAO and the Bureau of the Budget are. But I just want to make certain the staff understands and you understand, sir, we will be very glad to help in any way that we can on perfecting language. If necessary, give us a ring.

Chairman DAWSON. Thank you.

**STATEMENT OF JAMES CAMPBELL, ATTORNEY, OFFICE OF THE  
GENERAL COUNSEL; ACCOMPANIED BY CARL P. FRIEND,  
ATTORNEY, OFFICE OF THE GENERAL COUNSEL; AND OWEN  
A. KANE, OFFICE OF LEGISLATIVE LIAISON, GENERAL  
ACCOUNTING OFFICE**

Chairman DAWSON. Did you have any other statement, Mr. Campbell?

Mr. CAMPBELL. I do not believe so. There is one point that was raised during the discussion here this morning concerning the length of time limitation, whether it should be 1 or 2 years. As a matter of policy we do not have any comment to make on that point, but we should like to say this: That we assume that that 1-year language probably was obtained from the Administrative Expenses Act relating to employees who are transferred or recruited for overseas employment.

Now, that law originally said that they must sign an agreement to stay for 1 year. That language was subsequently amended in a later section making them sign the agreement for a period administratively determined between 1 and 3 years, leaving it to the discretion of the employing agency whether it should be more than 1 year or up to 3 years. And in many cases the 2-year period has been the one selected. It is the one we normally use in our Office.

Chairman DAWSON. You heard Mr. Irons' testimony as to why they decided on the 1 year; did you not?

Mr. CAMPBELL. Yes, sir.

Mr. IRONS. Since we are still here, I would like to comment on Congressman Brown's point about the fact that you passed a bill last year. It was reported out of this committee July 17, 1956, and went to the House. When you adjourned in 1956 I do not know, but it was shortly after that. I believe that the Senate did not have much time to give it consideration.

Mr. BROWN. We never get adjourned until around close to Labor Day. We seldom get away before Labor Day.

Mr. IRONS. There was no indication in the Senate they did not think your judgment last year was good.

Chairman DAWSON. Thank you very, very much.

That brings us up to S. 1903.

(The bill referred to follows:)

[S. 1903, 85th Cong., 1st sess.]

AN ACT To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 7 of the Administrative Expenses Act of 1946, as amended (5 U. S. C. 73b-3), is amended by inserting after the third proviso the following new proviso: "*Provided further, Any officer or employee of the United States appointed by the President, by and with the advice and consent of the Senate, to serve for a term fixed by law, whose post of duty is outside the continental United States, shall be allowed expenses of transportation for himself and his immediate family, but excluding household effects, from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment to such overseas post of duty, at the end of each two years of satisfactory service completed overseas, if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least two more years of overseas duty or serving the unexpired portion of his term.*"

Passed the Senate August 9 (legislative day July 8), 1957.

Attest:

FELTON M. JOHNSTON, *Secretary.*

Mr. HENDERSON. May I make a statement?

Chairman DAWSON. Yes.

Mr. HENDERSON. Mr. Chairman, S. 1903, as we indicated in a memorandum which went to all of the subcommittee members, is a bill that has passed the Senate. It was reported out of the Senate Post Office and Civil Service Committee, and it apparently was introduced in the Senate as a result of a plea on the part of a United States marshal in Panama who felt that he was denied travel expenses unfairly and that legislation should be passed to assist him and other persons similarly situated.

Now, we suggested that the Bureau of the Budget may wish to testify on this, but they said their views were pretty well stated in the report that they submitted and asked to be excused.

We asked the Department of Justice to testify on this, and the Department of Justice declined to testify, although they submitted a report stating that they had no objection to the legislation.

Mr. BROWN. Well, I have one question in my mind that is very definite. I would like to know what the last line after the word "duty" on line 9, page 2, "\* \* \* or serving the unexpired portion of his term." means. One place you say it has to be 2 years, or that it is at the end of 2 years, for the purpose of taking leave prior to serving another 2 years overseas. But, now, this "serving the unexpired portion of his term" indicates he might get paid twice in the same term.

I do not see where that strengthens the bill at all. I think it complicates it and makes its meaning doubtful as I read it.

I feel the legal authorities here on the staff ought to give that some consideration.

Mr. HENDERSON. The GAO may have a comment on that last line of the bill, too.

I may say this, Mr. Brown, while they are reviewing that: As we understand it, the marshals are appointed for a period of 8 years. Now, I would assume that even though they would be entitled to leave every 2 years they may not necessarily wish to take it. I am sure most of them would.

Mr. MICHEL. Which marshals are appointed for 8 years?

Mr. HENDERSON. The United States marshal in Panama is appointed for 8 years.

Mr. BROWN. This is not restricted to the United States marshal in Panama. This bill applies to everybody in the Government.

Mr. HENDERSON. Yes. Well, according to the Bureau of the Budget, there are only 17 people who would be affected by this legislation. Those persons are in Panama and several other places.

Mr. BROWN. Is that because of limitation to serve for a term fixed by law?

Mr. HENDERSON. Yes. You see, this is limited not only to term fixed by law but appointment by the President and confirmation by the Senate.

Mr. BROWN. I understand that. The President appoints a great many people.

Mr. HENDERSON. That is right.

Mr. BROWN. Now, as I read this bill, any officer or employee of the United States appointed by the President by and with the advice and consent of the Senate to serve for a fixed term—and that is the only



saving clause you have—whose post of duty is outside the continental United States. That would include every military officer because the President sends up their promotions and commissions to be approved by the Senate.

Mr. HENDERSON. Yes; except that this is amendment to the Administrative Expenses Act, which applies only to civilians. The military would not come under that.

Mr. BROWN. The military would not come under it?

Mr. HENDERSON. No.

Mr. BROWN. That is a good explanation.

Mr. HENDERSON. Do you have a comment on that last line of the bill, Mr. Campbell?

Mr. CAMPBELL (reading):

\* \* \* if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least 2 more years of overseas duty or serving the unexpired portion of his term.

We did make a comment in our report to you and your committee concerning that. Conceivably, the unexpired portion of the man's term may be only a few months.

Mr. BROWN. That is right.

Mr. CAMPBELL. Or some other relatively short period. I doubt it would be in the interests of the Government to send him back to the United States if he was then going to serve overseas again for only 2 or 3 more months.

It seems like there should be some reasonable limitation. Maybe you should put in there 1 year, if the unexpired portion—

Mr. BROWN. You have it up here. Read line 8—"for the purpose of taking leave prior to serving at least 2 more years." That is your limitation.

Mr. CAMPBELL. Well, yes, if you want to stop it there.

Mr. BROWN. Yes; that would protect it.

Mr. CAMPBELL. Or you could say "or serving the unexpired portion of his term if such unexpired portion is"—whatever limit of time you want to put in there.

Mr. BROWN. The first provision makes it 2 years.

Mr. CAMPBELL. If you want to make it 2 years you need nothing more.

Mr. BROWN. Then you would not need "serving the unexpired portion of his term."

Mr. CAMPBELL. That is right, sir.

Mr. BROWN. I do not like that wording.

Mr. HENDERSON. Then, you would suggest we cut it off at "duty"?

Mr. BROWN. "Duty."

In other words, he gets to come home if he has 2 more years to go, and the Government takes care of his expenses. But suppose he decides he has only got a month to go so he will come home, make the trip and look around, and then he will go back and finish up.

Mr. CAMPBELL. Yes. There is one other point that we would like to discuss a minute.

Mr. HENDERSON. You had a number of other suggestions.

Mr. CAMPBELL. Yes. There is one we are particularly interested in. When this bill was presented to us by the Senate for our comments it provided, as I recall, for the round-trip travel expenses of the employee and his dependents from his overseas post back to his place

of residence in the United States. And we pointed out that if you authorize round-trip travel expenses for dependents as well as the appointee it would give the man something more than the ordinary employee receives under the third proviso of this section, because under the third proviso a man is entitled to travel expenses for himself but as far as his dependents are concerned he is entitled to transportation only.

Now, at this point I might say that the distinction which has been drawn between a law which authorizes reimbursement for expenses of travel and reimbursement for expenses of transportation has been this: Expenses of travel would allow not only the actual costs of transportation itself but it would allow per diem to a man and other incidental expenses related to the travel, whereas the expenses of transportation have been very strictly construed to apply only to the actual costs of transportation itself.

So we pointed out to the Senate committee that we thought the rights under this bill should be made uniform.

As a result of that, there was an amendment made to the bill, and the Senate struck out the language "expenses of round-trip travel for the appointee and his immediate family," and inserted, I believe, "expenses of transportation for employee and immediate family," or words to that effect.

In doing that they have inserted a provision which, while intended to make benefits uniform, would be to the prejudice of the Presidential appointee, because they have restricted him to expenses of transportation on his own account, whereas the ordinary employee gets expenses of travel for himself and expenses of transportation for his dependents.

So we think that if you want to make benefits of Presidential appointees uniform with those of other employees who are granted home-leave travel from overseas posts, the bill should be amended so that it would read: "shall be allowed expenses of round-trip travel for himself and transportation of his immediate family." That language would be consistent with the language in the existing law.

Mr. BROWN. Well, now, would that transportation include their per diem?

Mr. CAMPBELL. No.

Mr. BROWN. Oh. It would not, but the travel expense would?

Mr. CAMPBELL. Yes. For the family it would not.

Mr. BROWN. The words "travel expenses" would?

Mr. CAMPBELL. That is right.

Mr. BROWN. I think that makes sense.

Mr. MICHEL. Yes.

Mr. HENDERSON. May I ask you this: Do you feel there is an inequity that exists in the first place? You know this bill arose apparently from one man, the United States marshal in Panama, and, according to the Bureau, there are 17 employees of the Government who are similarly situated, who are not covered by what he claims is the usual benefit which is given to overseas employees.

Mr. CAMPBELL. Of course, policywise we have made no comment on this bill. Actually, you might say there may be some basis for an inequity. Other employees get it. And yet, on the other side of the

picture is the fact that when a man accepts an appointment to serve overseas he accepts it for the length of the term.

Mr. HENDERSON. That is the difference; is it not?

Mr. CAMPBELL. That could be the line of distinction.

Mr. HENDERSON. He accepts it for a fixed period of time.

Mr. CAMPBELL. And it is entirely a matter of policy as to whether your committee wants to go along with this. We have made no recommendation with respect to it.

Chairman DAWSON. Mr. Brown, what is your thinking on that?

Mr. BROWN. Well, I certainly agree with the two amendments that have been suggested. I want to be certain that this applies to only a very few people.

Mr. CAMPBELL. It would apply, sir, to any overseas employee who is appointed by the President by and with the advice and consent of the Senate.

Mr. BROWN. Well, there are a lot of them.

Mr. HENDERSON. For a fixed term.

Mr. CAMPBELL. For a fixed term, yes. Now, we note there may be 1 or 2 others who are appointed at the pleasure of the President who would not be included in the bill. I would see really no basis for including those appointed for a fixed term to the exclusion of those who are not appointed for a fixed term, but there again——

Chairman DAWSON. What would be an example?

Mr. CAMPBELL. As far as we know——

Mr. BROWN. An ambassador. An ambassador serves at the pleasure of the President.

Mr. CAMPBELL. Well, those people are excluded, you see, sir, from the Administrative Expenses Act. They are Foreign Service personnel.

Mr. BROWN. What about all these attachés to the Department of Commerce, the Department of Agriculture, the Department of Health, Education, and Welfare that we have scattered every place?

Mr. FRIEND. I was just going to say I do not think those employees you refer to are appointed by the President.

Mr. BROWN. Some of them are.

Mr. FRIEND. At least, we could only find 1 or 2 that would serve an indefinite term. I think possibly the Governor of the Virgin Islands does not have a fixed term, and there may be 1 or 2 others.

Mr. CAMPBELL. I think the only two we found were the Governor of the Virgin Islands and the Secretary of the Virgin Islands who do not serve a fixed term.

Mr. BROWN. What about this: The governor of a mandated island?

Mr. CAMPBELL. Attachés of the Department of Agriculture maybe could be appointed under the Foreign Service Act, although I am not sure. In any event I believe they would be entitled to home-leave benefits under the Foreign Service law rather than this law.

Mr. BROWN. You have a lot under Public Law 480. I thought that was a Department of Agriculture bill, but——

Chairman DAWSON. Now, as to the two amendments that you have agreed on, will you state what those amendments are?

Mr. HENDERSON. Well, the first one was the one proposed by Mr. Brown.

Chairman DAWSON. Cutting out the last sentence.



Mr. BROWN. After the word "duty."

Mr. HENDERSON. Yes. Now, we have not actually agreed on any others, but I think if Mr. Campbell will go down his proposals 1 by 1 maybe——

Mr. CAMPBELL. Well, yes. Well, in the first place, I think we have already discussed generally that this does not apply to appointees by the President who serve at his pleasure as distinguished from those serving at a fixed term.

Mr. HENDERSON. Now, Mr. Campbell, are they covered by any other legislation?

Mr. CAMPBELL. I do not think so.

Mr. HENDERSON. Would you feel it would be unfair to pass this bill without including them?

Mr. CAMPBELL. Well, I personally—I have no official position——

Mr. HENDERSON. I see.

Mr. CAMPBELL. Cannot see any distinction for granting this to one class and not to the other. I feel as you do. There probably are not too many of them today.

Mr. MICHEL. By striking out this last line, could a marshal, for instance, be appointed to an unexpired term that runs for  $3\frac{1}{2}$  years?

Mr. BROWN. No; that would not be the unexpired portion of "his" term. He has a term there for each 2 or more years. Up there in the line ahead of that it says he is going to return for 2 or more years overseas.

Mr. MICHEL. I am not fully apprised of what the mechanics are with respect to United States marshals abroad, only those here in the continental United States and I am thinking this: Say at the end of this President's term, the close of 1960, he certainly does not have the prerogative to name a marshal for 8 years hence; does he?

Mr. HENDERSON. I am sorry; I do not know.

Mr. MICHEL. And if there is an expiration date, then conceivably the terms would be fixed.

Mr. BROWN. No; I do not think the terms are fixed by law except as to the length of the term, but I am not sure about it. Of course, that is the trouble with considering legislation of this type, Mr. Chairman. We are not certain how many people would be included or covered, or who would be left out.

Mr. MICHEL. But the nub of my question is this: If there were a situation where  $3\frac{3}{4}$  years or  $3\frac{1}{2}$  years were left, at the expiration of 2 years he would want to come home but he could not because he only has a year and a half left of his term. So he is stuck for  $3\frac{1}{2}$  years, maybe; just the thing we are trying to obviate by getting the fellow home every 2 years.

Mr. CAMPBELL. Yes; I think that is a factor to be considered. I think if that were stricken, he would have to wait  $3\frac{1}{2}$  years. For that reason we suggested——

Mr. BROWN. Well, I would rather let him wait  $3\frac{1}{2}$  years, Mister, than I would let him come home 30, 60, 80 or 90 days before his term expires and then get another trip at the expense of the taxpayers. I am for the amendment.

Chairman DAWSON. Are there any further questions?

Mr. HENDERSON. We could, Mr. Chairman, delay this until we had the Department of Justice here.

Mr. MICHEL. From my own standpoint I would like to see it clarified a bit as to exactly what some of these mechanics are.

Mr. BROWN. I move we have the staff get a little more definite information on this bill.

Chairman DAWSON. All right.

Mr. HENDERSON. You see, this bill did not originate in the Government. It did not originate with any Senator. It was just a proposal that was made by an individual who felt he was being unfairly treated.

Mr. BROWN. Some Senator introduced it.

Mr. HENDERSON. Yes. I meant it was not his idea in the first place.

Mr. BROWN. I do not mean to table it but I will move that we just continue consideration of the measure with the instruction to the staff to get more definite information. I do not think it is necessary to hold another hearing, if they can get the facts for us that we want.

Mr. HENDERSON. All right.

Mr. BROWN. And in the meantime get from these gentlemen the amendments they suggest, and have these amendments put in proper form for us to consider when we are again in session.

Chairman DAWSON. Thank you very much, gentlemen.

Mr. CAMPBELL. Yes, sir.

Mr. BROWN. We appreciate your calling some of these things to our attention.

Chairman DAWSON. The next witness is Mr. John A. McCart, American Federation of Government Employees.

#### STATEMENT OF JOHN A. McCART, LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. McCART. Mr. Chairman, my name is John A. McCart. I am legislative representative of the American Federation of Government Employees.

Mr. Chairman, we appear to endorse H. R. 11133 as another device for recruiting qualified technical and scientific personnel in short categories into the Federal Government.

With respect to S. 1903, our prepared statement, which I assume will be inserted in the record, presents our position. We certainly would not want the committee to act without having the full facts. As a matter of principle, we would endorse the bill.

Mr. Chairman, that concludes my comments.

Chairman DAWSON. Thank you. Without objection, your prepared statement will be made part of the record.

(The prepared statement of Mr. McCart follows:)

#### STATEMENT OF JOHN A. McCART, LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

The American Federation of Government Employees endorses the two bills which are being considered at this hearing—S. 1903, introduced by Senator Butler, which passed the Senate last August, and H. R. 11133, sponsored by Representative Dawson of the Government Operations Committee. Both bills would amend section 7 of the Administrative Expenses Act of 1946, as amended.

The bill, S. 1903, would remove an apparent discriminatory situation now written into existing law, and we concur in the effort to bring about this improvement. The bill would accomplish this objective by authorizing payment of travel expenses of any person serving the Federal Government under a Presidential appointment when that individual and members of his immediate family are



going from one post of duty outside the continental United States to their place of residence at the time of appointment. The travel contemplated is that taking place at the end of each 2 years of satisfactory duty overseas and immediately prior to serving at least 2 more years abroad.

Inasmuch as this bill in effect makes it possible for more officers and employees to enjoy the long-accepted practice of "home leave" its enactment is highly desirable. The bill would have this effect, because it would make the trip home practicable whereas at present it could be undertaken only at considerable expense. The underlying principle of such travel is one of advantage to the Government in that it permits the employee to renew close contact with his homeland.

The bill H. R. 11133 broadens the provisions of the Administrative Expenses Act as they apply to payment of travel expenses of persons who are selected for appointment to a position in the Federal service. Again it permits an extension of a type of authority already provided in law. Thus it would neither establish a precedent nor obligate the Government in a manner unlike any existing fiscal obligation. We favor passage of this bill.

The present law permits the Government to pay the travel expenses of a new appointee and his immediate family, together with the cost of transporting their household goods and personal effects, from their place of actual residence to the first post of duty outside continental United States, as well as payment of all similar costs on the return from foreign duty to place of actual residence at the time of such assignment. Persons to benefit from this bill would have their travel and transportation expenses paid under the same conditions governing the payment of such expenses of Federal employees transferred at the convenience of the Government.

It is patently a matter of fairness to the prospective employee, but of decided advantage to the Government to allow the payment of these travel and moving expenses. Otherwise it would be difficult, and in many instances impossible, for the Government to obtain personnel for foreign duty.

The proposed amendment to the Administrative Expenses Act merely applies the same principle to recruitment for service within the continental United States, and in Alaska, which does not qualify as foreign service. The approach is the same, and the problem is essentially similar to that now dealt with in existing law. H. R. 11133 is intended to aid the Federal Government to obtain qualified persons for positions for which there is a manpower shortage. This is true especially of scientists and engineers, as well as other persons having technical training.

The bill also, in the case of recruitment of positions for which there is a dearth of qualified candidates, would authorize an agency to pay the travel expenses of persons who are invited to visit a place of prospective employment. This is in line with accepted industrial practice, and in the light of business experience would influence some persons to choose the Government service if they had the opportunity to visit the station where they would be employed and inspect the equipment they would use.

Legislation with this purpose is obviously of advantage to the Federal Government at this time. It has direct benefits for the entire defense program and for any other program which otherwise would suffer by reason of lack of available personnel. For many months there have been serious shortages in many occupations in research and development activities of the Government as well as in other areas of governmental operation. This bill should go a long way toward the solution of this serious recruitment problem.

It is a well known fact that during the last several years the Federal civil service has been in direct competition for personnel with large industrial enterprises, and to a considerable extent it has been a losing effort. The large firms offer many inducements and, while the Government may not be expected to meet fully and directly any and all of the advantages offered by private employers, they cannot in every instance be dismissed as being outside the scope of competition. The Government must meet many of the elements of competition with private employers if it is to obtain the skilled personnel it needs.

The need for this bill is well recognized. When hearings were held in the Senate last year the Civil Service Commission representative emphasized the need for this legislation. It was then pointed out that in many instances the Government just cannot obtain some of the persons whose services are especially desired because the prospective employee cannot afford to accept the position which not only pays less in salary but is costly because it would require him to absorb the cost of moving his household furnishings.

Private industry in so many instances pays for moving from one part of the country to another. This was borne out by analyses that were made of the

policies of Government contractors. When large firms solicit the services of skilled personnel, they offer the payment of moving cost as one of the inducements.

Even in the case of a private business firm paying the full cost of transportation and moving furniture, the employee often finds that a transfer to another locality is still a costly move. Within the last several years it has become business practice to relieve the employee of much of the burden of having to sell his home and relocate in another community. A survey by the National Industrial Conference Board reveals that some firms take over the employee's house at market appraisal. Others reimburse him for his loss, paying all carrying charges between the time of moving and sale of his house. This practice is noted only to illustrate the extent to which many private firms will go to obtain and retain the services of the personnel on whom it has placed a high value. It also indicates the type of competition with which the Federal Government is confronted.

It would seem, therefore, that both of the bills under consideration are essential to good governmental operation. We are grateful to the chairman and members of this committee for giving us the opportunity to comment on these proposals.

Chairman DAWSON. Without objection, a letter submitted by the National Federation of Federal Employees under date of April 21, 1958; also a statement from Thomas G. Walters, operations director, Government Employees' Council, April 23, 1958, and a statement from Congressman Burdick of North Dakota will be made part of the record.

(The letter and statement referred to follows:)

NATIONAL FEDERATION OF FEDERAL EMPLOYEES,  
Washington, D. C., April 21, 1958.

Hon. WILLIAM L. DAWSON,  
Chairman, Executive and Legislative Reorganization Subcommittee of the  
House Committee on Government Operations,  
Washington, D. C.

DEAR CHAIRMAN DAWSON: Thank you for your letter of April 18, advising me that your subcommittee will hold hearings on S. 1903 and H. R. 11133 on Wednesday, April 23, 1958.

The National Federation of Federal Employees wishes to go on record as being strongly in favor of the provisions of your bill, H. R. 11133.

This bill, if enacted, will place the United States Government in a competitive position with industry in its efforts to recruit qualified individuals in those employment categories of the higher skills for which there exists a shortage today.

The provisions of the bill are carefully drawn and will not lead to abuses, yet will permit the Federal Government to offer employment opportunities to qualified persons—now considered to be a routine management practice in industry.

We urge prompt and favorable consideration of H. R. 11133.

We should likewise urge committee approval of S. 1903, approved by the Senate on August 9, 1957. We see no reason why so-called Presidential appointees, such as United States marshals, should not be treated on the same fair and equitable basis as are other employees recruited for service outside the continental limits of the United States.

Sincerely,

VAUX OWEN, *President.*

STATEMENT OF THOMAS G. WALTERS, OPERATIONS DIRECTOR, GOVERNMENT EMPLOYEES' COUNCIL

Mr. Chairman and members of this committee, by way of introduction, my name is Thomas G. Walters, operations director of the Government Employees' Council, AFL-CIO, 100 Indiana Avenue, NW., Washington, D. C., phone EX 3-2820 and EX 3-2821.

The Government Employees' Council of the AFL-CIO is made up of 23 national and international unions whose membership, in whole or in part, are civil-service employees. The total Federal and postal employee membership of the Government Employees' Council is more than 600,000.

The Government Employees' Council endorses the statement as presented by the American Federation of Government Employees to the House Committee on Government Operations on legislation providing payment of transportation ex-

penses to certain employees in the continental United States, Alaska, and other foreign services.

We believe that this legislation is just, fair, and reasonable and the intent, as outlined in S. 1903 and H. R. 11133, should be enacted into law. This type of legislation would make it possible for officers and employees to enjoy the long accepted practice of home leave and we believe this is to the best interest, not only to the officers and employees but to our Government as well. The need for some legislation along this line is well recognized. It was pointed out before the Senate committee that in many incidents employees refused to take the special assignments because of the home-leave question and because of the expense of moving from one location to another.

We, therefore, give our endorsement and support to the principle and intent of S. 1903 and H. R. 11133.

We appreciate the opportunity and privilege of appearing and presenting this statement on behalf of the officers and employees affected by this legislation.

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STATEMENT OF HON. USHER L. BURDICK, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF NORTH DAKOTA

Mr. Chairman, the purpose of S. 1903 is simple. It provides that any officer or employee of the United States appointed by the President by and with the advice and consent of the Senate to serve for a term fixed by law, whose post of duty is outside the continental United States, shall be allowed expenses of transportation for himself and his immediate family at the end of each 2 years of satisfactory service. I am personally acquainted with the case of a United States marshal who has been assigned to duty in the Canal Zone. It seems fair and logical that when he gets a leave of absence once every 2 years the Government could help him out on his travel expenses to this extent. I do not believe a great number of individuals would be involved under the provisions of this bill, and I urgently recommend that S. 1903 be approved.

Chairman DAWSON. The subcommittee will continue in executive session.

(Whereupon, at 11:40 a. m., the subcommittee continued in executive session.)

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## LEGISLATIVE HISTORY

S. 1903

Public Law 85-858

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DIGEST OF PUBLIC LAW 85-858

EMPLOYEE TRAVEL EXPENSES OUTSIDE THE UNITED STATES. Amends the Administrative Expenses Act of 1946 so as to provide that any person appointed by the President, by and with the advice and consent of the Senate, whose post of duty is outside the U. S., shall be allowed expenses of round trip travel for himself and immediate family, excluding household effects, from his post of duty outside the U. S. to his place of residence at the end of each 2 years of satisfactory overseas service, if he is returning to his place of residence on leave prior to serving at least 2 more years of overseas duty.





## Index and Summary of S. 1903

April 17, 1957	Senator Butler introduced S. 1903 which was referred to the Senate Post Office and Civil Service Committee. Print of bill.
July 18, 1957	Senate committee ordered S. 1903 reported with amendment.
July 22, 1957	Senate committee reported S. 1903 with amendment. S. Rept. 694. Print of bill and report.
Aug. 9, 1957	Senate passed S. 1903 as reported.
Aug. 13, 1957	S. 1903 was referred to the House Committee on Government Operations. Print of bill as referred.
July 16, 1958	House Government Operations Committee subcommittee ordered S. 1903 reported with amendment.
Aug. 6, 1958	House committee reported S. 1903 with amendments. H. Rept. 2487. Print of bill and report.
Aug. 12, 1958	House passed S. 1903 with amendments under suspension of rules.
Aug. 22, 1958	Senate concurred in the House amendments.
Sept. 2, 1958	Approved: Public Law 85-858
	Hearings: Before House Committee on Government Operations subcommittee; April 23, 1958.









85TH CONGRESS  
1ST SESSION

# S. 1903

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IN THE SENATE OF THE UNITED STATES

APRIL 17, 1957

Mr. BUTLER introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

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## A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 7 of the Administrative Expenses Act of 1946,  
4       as amended (5 U. S. C. 73b-3), is amended by inserting  
5       after the third proviso the following new proviso: "*Provided*  
6       *further, Any officer or employee of the United States ap-*  
7       *pointed by the President, by and with the advice and*  
8       *consent of the Senate, to serve for a term fixed by law,*  
9       whose post of duty is outside the continental United States,

1 shall be allowed the expenses of round-trip travel for himself  
2 and his immediate family, but excluding household effects,  
3 from his post of duty outside the continental United States  
4 to the place of his actual residence at the time of his appoint-  
5 ment to such overseas post of duty, at the end of each two  
6 years of satisfactory service completed overseas, if he is  
7 returning to his actual place of residence for the purpose of  
8 taking leave prior to serving at least two more years of over-  
9 seas duty or serving the unexpired portion of his term.”





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# A BILL

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To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

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By Mr. BUTLER

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APRIL 17, 1957

Read twice and referred to the Committee on Post  
Office and Civil Service







Senate - July 18, 1957

Without amendment, S. 1411, to require hearings before suspending employees on security charges;

With amendment, S. 734, to revise the basic compensation schedules of the Classification Act of 1949;

reported With amendment, S. 1903, authorizing travel expenses for leave for over-seas employees; and

With amendment, S. 2127, to reduce the insurance available to employees over 65. pp. D667-8

4. CENSUS. The Post Office and Civil Service Committee ordered/with amendment, S. 1631, to amend generally the census laws. pp. D667-8
5. TOBACCO. Sens. Cooper and Neuberger discussed the latter's proposal to remove tobacco from the price support program. pp. 10903-4
6. ELECTRIFICATION; RECLAMATION. Received from the Interior Department a report on the Greater Wenatchee Division, Chief Joseph Dam project, dated June, 1956. p. 10882
7. ROADS. Sen. Neuberger urged passage of the anti-billboard bill, and inserted an editorial criticizing the failure to enact it. p. 10890
8. FISCAL POLICIES. Sens. Bennett, Long, and Martin, Pa., discussed Federal monetary and fiscal policies and the current Finance Committee investigation. pp. 10935-8

#### HOUSE

9. ONIONS. A subcommittee of the Agriculture Committee ordered reported to the full committee H.R. 376, to include onions in the prohibition against dealings in commodity futures under the Commodity Exchange Act. p. D668
10. PERSONNEL. The Post Office and Civil Service Committee ordered reported with amendment H.R. 2462, to increase the basic rates of compensation for Federal classified employees. The "Daily Digest" states as follows: "The bill as amended would increase the salary of about 1 million employees paid under the Classification Act of 1949 and employees of the legislative and judicial branch of the Government by 11 percent with a maximum increase to any one employee of \$1,000. The ceiling of \$16,000 is retained. The cost of the legislation will be approximately \$532 million a year. The committee also adopted an amendment calling upon the Director of the Bureau of the Budget to act insofar as practicable to provide for the absorption of the increased cost within existing appropriations. The effective date of the bill is the first pay period beginning after September 1, 1957." p. D669
11. RECLAMATION. The Rules Committee reported a resolution for consideration of H.R. 2147, to provide for the construction of the San Angelo Federal reclamation project, Tex.. p. D669

#### ITEMS IN APPENDIX

12. WATER CONSERVATION. Sen. Yarborough inserted an editorial, "Permanent Drought," on the declining ground-water supply in Texas. p. A5772
13. DROUGHT RELIEF. Sen. Kennedy inserted his letter to the Secretary urging him to extend to Mass. farmers emergency credit under Public Law 38. p. A5773

# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued July 19, 1957  
For actions of July 18, 1957  
85th-1st, No. 127

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Forestry.....2,15	Price supports.....5	Water.....12

HIGHLIGHTS: Senate committee reported bill to transfer certain work under Packers and Stockyards Act to FTC. House subcommittee ordered reported bill to prohibit futures trading in onions. House and Senate committees ordered pay raise bills reported. Sen. Neuberger criticized method FS used to announce change in area timber sales restrictions.

### SENATE

1. LIVESTOCK. The Judiciary Committee reported with amendment S. 1356, to transfer jurisdiction over monopolistic acts or practices in restraining of trade by persons engaged in commerce in meat products to the Federal Trade Commission (no written report). p. 10883
2. FORESTRY. Sen. Neuberger criticized the method in which the change in Forest Service rules toward area limitations on sales was announced, and urged that notice of such changes be made in advance of promulgation and that these changes be summarized clearly. pp. 10908-9  
Sen. Morse inserted a report from the Comptroller General on the paperwork of the Forest Service and Interior's Bureau of Land Management and stated, "The Comptroller General finds that the paper work now carried on is necessary to protect the Government interest... These agencies have kept their paperwork to the bare minimum." pp. 10904-5
3. PERSONNEL. The Post Office and Civil Service Committee ordered reported the following bills:  
Without amendment, S. 1901, to authorize overtime pay for irregular work hours;







*Senate - July 22, 1957*

6. PERSONNEL. A subcommittee of the Post Office and Civil Service Committee ordered reported with amendment S. 1740, to authorize the payment from the Employees' Life Insurance Fund of expenses incurred by the CSC in assuming and maintaining the assets and liabilities of certain beneficial associations. p. D679

SENATE

7. TRAVEL; LEAVE. The Post Office and Civil Service Committee reported with amendment S. 1903, to authorize travel expenses for overseas employees (S. Rept. 694). p. 11092
8. CENSUS. The Post Office and Civil Service Committee reported with amendments S. 1631, to amend generally the census laws (S. Rept. 698). p. 11092
9. BUDGET. Sen. Symington discussed "the incredible irresponsibility of this administration in matters pertaining to our common defense," and inserted a column on the administration's handling of the defense budget and a list of 17 "unbelievably conflicting statements about the defense budget." pp. 11108-9
10. TOBACCO. Sen. Bennett defended his proposal that a warning label be placed on each package of cigarettes (S. 2554), and inserted an interview with the Director of the National Cancer Institute on the relation of lung cancer to smoking. pp. 11118-9
11. FARM SAFETY. Sen. Carlson announced the beginning of National Farm Safety Week and inserted the President's proclamation. pp. 11119-20
12. HOUSING LOANS. Sen. Humphrey inserted articles on the decline in housing starts and its relation to the present monetary policy, and on the public debt and increasing payments for interest rates. pp. 11125-7
13. EDUCATIONAL EXCHANGE. Sen. Smith, N. J., commended the international exchange of high school students by the American Field Service. pp. 11097-8
14. FOREIGN AID. Sen. Smith, N. J., inserted two editorials expressing "anxiety" about the effect of House foreign aid cuts on the security of the U. S. p. 11098
15. WATER RESOURCES. Sens. Goldwater and Kuchel debated Los Angeles' request for authority to build Bridge Canyon Dam in the Grand Canyon, and inserted editorials and an explanatory statement from Los Angeles. pp. 11102-4

ITEMS IN APPENDIX

16. SMALL BUSINESS. Sen. Capehart inserted excerpts from hearings before the Senate Banking and Currency Committee with reference to proposed legislation affecting the Small Business Administration. pp. A5867-8
17. TVA. Rep. Johnson, Wis., inserted an editorial, "Don't Hamstring TVA," commenting on the significance of the appointment of Arnold B. Jones as a Director of the TVA. pp. A5899-900
18. FAMILY FARMS. Rep. Knutson inserted a letter on the "plight of the family farmer under this administration," addressed by one of her constituents to the President. pp. A5905-6
19. APPROPRIATIONS. Rep. Merrow inserted an article, "The Gallup Poll: Item Veto in Appropriations Bills Favored by 60 Percent in Survey." p. A5907

# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued July 23, 1957  
For actions of July 22, 1957  
85th-1st, No. 129

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HIGHLIGHTS: Rep. Hagen urged transfer of certain work under Packers and Stockyards Act to FTC.

## HOUSE

1. MEATPACKERS. Rep. Hagen spoke in favor of the passage of legislation to transfer certain work under the Packers and Stockyards Act from this Department to the Federal Trade Commission, and inserted the testimony of Sen. Watkins before the House Agriculture Committee supporting this transfer of work. pp. 11203-8
2. FOREIGN TRADE; SURPLUS COMMODITIES. Both Houses received from the President the semiannual report on activities under Public Law 480. pp. 11091, 11155  
The Ways and Means Committee ordered reported with amendment H. R. 2151, to permit the duty-free importation of certain wools (not finer than the 46's) for carpets and other specific uses. p. D679
3. FOREIGN AID. Conferees were appointed on S. 2130, the mutual security authorization bill. Senate conferees have not yet been appointed. p. 11155
4. CIVIL DEFENSE. Rep. Huddleston called for a "more vigorous civil defense program" on a national level, particularly in regard to protective bomb shelters. pp. 11200-1  
The Government Operations Committee issued a report on the "status of civil-defense legislation." p. 11216
5. VIRGIN ISLANDS. The Government Operations Committee issued a report on the operations of the Virgin Islands Government and the Virgin Islands Corporation. p. 11216



EXTENSION OF ADMINISTRATIVE EXPENSES ACT TO  
CERTAIN PRESIDENTIAL APPOINTEES

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JULY 22 (legislative day, JULY 8), 1957.—Ordered to be printed

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Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, submitted the following

## REPORT

[To accompany S. 1903]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1903) to amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended to pass.

## AMENDMENT

The committee amendment strikes out "the expenses of round-trip travel" and inserts "expenses of transportation" in order to limit reimbursement to the cost of transportation as in the case with other Federal employees.

## STATEMENT

The Administrative Expenses Act of 1946, as amended, among other things, provides authority for the payment of transportation costs of employees and their families from posts of duty outside the United States to places of actual residence for the purpose of taking leave under certain conditions or prior to beginning another tour of duty.

It has been held that the language of the act is discriminatory in that it is not sufficiently broad to permit paying the transportation cost of certain Presidential appointees, as for example the United States marshal to the Canal Zone. S. 1903 would correct this inadvertence by specifically authorizing the payment of transportation costs to persons appointed by the President by and with the advice and consent of the Senate.

## AGENCY VIEWS

The bill has been cleared informally with the appropriate agencies during the course of hearings on other matters.

## CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## ADMINISTRATIVE EXPENSES ACT OF 1946, AS AMENDED

\* \* \* \* \*

SEC. 7 \* \* \* *Provided further, That expenses of round trip travel of employee and transportation of immediate family but excluding household effects, from their posts of duty outside the continental United States to the places of actual residence at time of appointment or transfer to such overseas posts of duty, shall be allowed in the case of persons who have satisfactorily completed an agreed period of service overseas and are returning to their actual place of residence for the purpose of taking leave prior to serving another tour of duty at the same or some other overseas post, under a new written agreement entered into before departing from the overseas post: Provided further, Any officer or employee of the United States appointed by the President, by and with the advice and consent of the Senate, to serve for a term fixed by law, whose post of duty is outside the continental United States, shall be allowed expenses of transportation for himself and his immediate family, but excluding household effects, from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment to such overseas post of duty, at the end of each two years of satisfactory service completed overseas, if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least two more years of overseas duty or serving the unexpired portion of his term.*

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85TH CONGRESS  
1ST SESSION

Calendar No. 715

# S. 1903

[Report No. 694]

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## IN THE SENATE OF THE UNITED STATES

APRIL 17, 1957

Mr. BUTLER introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

JULY 22 (legislative day, JULY 8), 1957

Reported by Mr. JOHNSTON of South Carolina, with an amendment

[Omit the part struck through and insert the part printed in italic]

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## A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 7 of the Administrative Expenses Act of 1946,  
4       as amended (5 U. S. C. 73b-3), is amended by inserting  
5       after the third proviso the following new proviso: "*Provided*  
6       *further, Any officer or employee of the United States ap-*  
7       pointed by the President, by and with the advice and

1 consent of the Senate, to serve for a term fixed by law,  
 2 whose post of duty is outside the continental United States,  
 3 shall be allowed ~~the expenses of round trip travel~~ *expenses of*  
 4 *transportation* for himself and his immediate family, but  
 5 excluding household effects, from his post of duty outside  
 6 the continental United States to the place of his actual resi-  
 7 dence at the time of his appointment to such overseas post  
 8 of duty, at the end of each two years of satisfactory service  
 9 completed overseas, if he is returning to his actual place of  
 10 residence for the purpose of taking leave prior to serving at  
 11 least two more years of overseas duty or serving the unex-  
 12 pired portion of his term."



[Report No. 694]

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# A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

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By Mr. BUTLER

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APRIL 17, 1957

Read twice and referred to the Committee on Post  
Office and Civil Service

JULY 22 (legislative day, JULY 8), 1957

Reported with an amendment







# RIGHTS OF VESSELS OF THE UNITED STATES IN TERRITORIAL WATERS OF FOREIGN COUNTRIES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 861, S. 1483.

The PRESIDING OFFICER. The bill be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1483) to amend the act of August 27, 1954, relating to the rights of vessels of the United States on the high seas and in the territorial waters of foreign countries.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Interstate and Foreign Commerce with amendments on page 2, line 1, after the word "for", to strike out "all expenses incurred by them as a direct result of" and insert "the amount of any loss, including reasonable expenses in connection therewith, of fishing gear, equipment and catch resulting from"; in line 6, after the word "State", to strike out "He" and insert "The Secretary of the Treasury"; in line 7, after the word "vessel", to insert "who is a United States citizen"; in line 8, after the word "for", to insert "the amount of"; in line 9, after the word "incurred", to insert "or expected to be incurred, or both"; in line 12, after the word "any", to strike out "seaman" and insert "such member"; in line 13, after the word "pay", to strike out "to his dependents"; in line 14, after the figures "\$10,000", to insert "to the surviving wife of such member, or if there be no surviving wife, in equal shares to the surviving natural or adopted minor children, if any, of such member. The determinations of the Secretary of State and the amounts certified by him under the provisions of this section shall be final and conclusive and not subject to review in any administrative or judicial proceeding"; after line 21, to strike out:

SEC. 2. The amendments made by the first section of this act shall be deemed to take effect as of January 1950.

And insert:

SEC. 2. Section 5 of such act of August 27, 1954, is amended to read as follows.

And, at the top of page 3, to insert:

SEC. 5. The Secretary of State shall take action to collect on claims against a foreign country for amounts expended by the United States under the provisions of this act because of the seizure of a United States vessel by such country, and shall make a report to the Congress annually as to the status of all such claims.

So as to make the bill read:

Be it enacted, etc., That section 3 of the act entitled "An act to protect the rights of vessels of the United States on the high seas and in territorial waters of foreign countries", approved August 27, 1954 (68 Stat. 883) is hereby amended by adding at the end thereof the following new sentences: "In addition to the amount of any such fine, duly certified as arising out of injuries sustained by the owners of the seized vessel for the amount of any loss, including reasonable expenses in connection therewith, of fishing gear, equipment, and catch resulting from such seizure, as certified to him by the Secretary of State. The Secretary of the Treasury shall also reimburse each member of the crew of such vessel, who is a United States citizen, for the amount of all expenses and losses incurred or expected to be incurred, or both, by him which are similarly certified as arising out of injuries sustained by him as a direct result of such seizure, and upon the death of any such member as the result of such injuries the Secretary of the Treasury shall pay the sum of \$10,000 to the surviving wife of such member, or if there be no surviving wife, in equal shares to the surviving natural or adopted minor children, if any, of such member. The determinations of the Secretary of State and the amounts certified by him under the provisions of this section shall be final and conclusive and not subject to review in any administrative or judicial proceeding."

the owners of the seized vessel for the amount of any loss, including reasonable expenses in connection therewith, of fishing gear, equipment, and catch resulting from such seizure, as certified to him by the Secretary of State. The Secretary of the Treasury shall also reimburse each member of the crew of such vessel, who is a United States citizen, for the amount of all expenses and losses incurred or expected to be incurred, or both, by him which are similarly certified as arising out of injuries sustained by him as a direct result of such seizure, and upon the death of any such member as the result of such injuries the Secretary of the Treasury shall pay the sum of \$10,000 to the surviving wife of such member, or if there be no surviving wife, in equal shares to the surviving natural or adopted minor children, if any, of such member. The determinations of the Secretary of State and the amounts certified by him under the provisions of this section shall be final and conclusive and not subject to review in any administrative or judicial proceeding.

SEC. 2. Section 5 of such act of August 27, 1954, is amended to read as follows:

"SEC. 5. The Secretary of State shall take action to collect on claims against a foreign country for amounts expended by the United States under the provisions of this act because of the seizure of a United States vessel by such country, and shall make a report to the Congress annually as to the status of all such claims."

The PRESIDING OFFICER. Without objection, the committee amendments will be considered en bloc. The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to.

Mr. WILLIAMS. Mr. President, may we have an explanation of the bill?

Mr. YARBOROUGH. The bill is an amendment to the act approved August 27, 1954, and relates to the rights of vessels of the United States on the high seas and in the territorial waters of foreign countries.

The original act of 1954 authorized the Secretary of State to reimburse American fishing vessels for fines which they paid to foreign nations, and which were illegally levied upon them contrary to international law, when they were seized on the high seas.

For the most part, the seizures occurred on the west coast of South America, some of them 200 miles out in the Pacific, and involved American tuna boats fishing in the South Pacific.

In the Gulf of Mexico some American shrimp boats operating from various gulf ports have been seized by foreign nations.

The proposed amendment to the 1954 act provides that in addition to the fines, the fishing boat owners shall be reimbursed by the Secretary of the Treasury for their losses, including reasonable expenses in connection therewith, of fishing gear, equipment, and catch resulting from such seizure, as certified to him by the Secretary of State.

The bill provides that no amount in excess of \$10,000 can be paid to a surviving wife. It provides that on determination by the Secretary of State, the amount certified by him under the provisions of law will be final and conclusive, and not subject to review at any administrative or judicial proceeding.

The final amendment, which is not in the present law, empowers the Secretary of State to take action to collect on claims against a foreign country for amounts expended by the United States under the provisions of this act because of the seizure of a United States vessel by such country. The bill requires that the Secretary of State shall make a report to Congress annually as to the status of all such claims.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. KNOWLAND. As I understand, the bill provides for the reimbursement for any gear which has been taken from the ship on the high seas.

Mr. YARBOROUGH. Yes, and for any fine which may have been imposed.

The 1954 act provided for reimbursement for fines illegally levied by foreign nations. The bill provides for the reimbursement for gear seized on the high seas. The boats are usually released after they have been stripped of gear. The bill provides for reimbursement for the gear, and also provides compensation to the surviving wife of any sailor or man killed or wounded.

Mr. KNOWLAND. Mr. President, I raise no objection to the bill, but I am not in favor of having American gear, equipment, or ships seized on the high seas. I think there are other ways of protecting our ships.

Mr. YARBOROUGH. I concur in the statement by the distinguished Senator from California, whose statement is reasonable and desirable. It is deemed advisable, in accordance with the good-neighbor policy, to negotiate these matters, rather than to use more strenuous means.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. WILLIAMS. Does the bill contain a retroactive feature?

Mr. YARBOROUGH. It did in the committee, but it is effective from the date of the passage of the enactment of the original bill, August 27, 1954. There was a provision in the bill that it was to take effect as of January 1950. The amount of the claims from 1950 to 1954 is relatively small.

As the bill was reported by the committee, I believe it contained a provision making it effective as of January 1950. That is still in the bill, although the printed copy I have shows there has been a mistake in the print. It is still in the bill.

Mr. WILLIAMS. Is that date in the bill now?

Mr. YARBOROUGH. I am advised by the committee counsel that it is in the bill at this time. There is some confusion with respect to the particular print.

Mr. WILLIAMS. There should not be any confusion as to the print. We are operating on only one bill, are we not?

Mr. YARBOROUGH. Yes.

Mr. WILLIAMS. On which bill are we operating?

Mr. YARBOROUGH. We are operating on Calendar No. 861.



Mr. WILLIAMS. I understood the Senator to say that the bill was retroactive until 1954, but I refer him to page 2 of S. 1483, Calendar No. 861, line 24, section 2, which provides:

Section 5 of such act of August 27, 1954, is amended to read as follows.

Does the bill go back to 1954 or to 1950?

Mr. YARBOROUGH. That part would go back to 1954, but there is a mistake. I think I may say to the Senator, because referring to page 14 of the report of the committee, section 7 reads:

The provisions of this act shall be effective with respect to the seizure of any vessel of the United States occurring on or after January 1, 1950.

Mr. WILLIAMS. Where does the Senator find that?

Mr. YARBOROUGH. On page 14 of the report, section 7.

Mr. WILLIAMS. I remind the Senator from Texas that the Senate is considering voting on the bill, not on the report. What is in the report does not mean anything, so far as what is in the bill is concerned. The bill does not carry out the language as explained in the report.

Mr. MAGNUSON. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. MAGNUSON. I think the confusion arises because the committee print refers to section 5 of the act of 1954. The bill amends that act. The committee print apparently is in error.

Mr. WILLIAMS. I most respectfully suggest, then, that we had better postpone the consideration of the bill until we can get a proper explanation of it.

Mr. MAGNUSON. I did not think this particular matter would make any difference to the Senator from Delaware.

Mr. WILLIAMS. But it does make a difference. At least we want to know what is in the bill, and we cannot tell what is in the bill until it is printed properly. I am sure we have a right to have the bill printed properly.

Mr. MAGNUSON. In the committee print there is an error. It will have to be reprinted. I have just come to the floor, and I did not know what had happened.

Mr. JOHNSON of Texas. The members of the staff tell me they think there is an error in the bill, and that the report is correct. But in order that we may have the matter cleared up, if it is agreeable to the Senator from Texas and the Senator from Delaware, what we might do would be to leave the bill on the calendar and determine tomorrow whether to follow the report and amend the bill, or decide that the bill is correct and the report is in error.

Mr. WILLIAMS. I think that would be a wise procedure, because unquestionably there is a contradiction between the language of the report and the provisions of the bill.

Mr. MAGNUSON. I think there has been great pressure on the Printing Office in recent days, and once in a while a discrepancy will occur. I hope the Senator from Delaware will bear with us,

because this is a good bill and should be passed.

The PRESIDING OFFICER. Without objection, the consideration of the bill will be temporarily postponed.

#### CONSTRUCTION OF STADIUM IN THE DISTRICT OF COLUMBIA

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 713, H. R. 1937.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to, and the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia, with amendments, on page 3, lines 1 and 2, to strike the words "stadium, including the land upon which said stadium is located," and insert in lieu thereof the word "stadium"; on page 3, lines 4 and 5, to strike the words "to be approved by the Secretary of the Treasury," and insert in lieu thereof the words "6 percent per annum"; on page 6, line 12, strike the word "nonalcoholic."

Mr. BIBLE. Mr. President, the purpose of the bill is to authorize the District of Columbia Armory Board to construct, maintain, and operate a stadium, including parking facilities, with a seating capacity of not to exceed 50,000, in the District of Columbia, suitable for holding athletic and other events.

The bill has the unanimous approval of the Committee on the District of Columbia. It has the approval of the Board of Commissioners of the District of Columbia.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. MANSFIELD. Is this not merely an authorization bill, with no cost involved?

Mr. BIBLE. It is simply an authorization bill. The primary purpose of the bill is to permit the Armory Board to apply to the Housing and Home Finance Agency for an advance of \$35,000 to cover the preliminary planning and survey of the proposed stadium, so as to determine the feasibility of building a stadium at the site selected by the National Memorial Stadium Commission.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection to agreeing to the amendments en bloc? The Chair hears none, and the amendments are agreed to en bloc.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### TRAVEL EXPENSES OF CIVILIAN OFFICERS AND EMPLOYEES

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the

Senate proceed to the consideration of Calendar No. 715, Senate bill 1903.

The PRESIDING OFFICER (Mr. Talmadge in the chair). The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1903) to amend section 7 of the Administrative Expenses Act of 1947, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill (S. 1903) to amend section 7 of the Administrative Expenses Act of 1947, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States, which had been reported from the Committee on Post Office and Civil Service with an amendment on page 2, line 3, after the word "allowed", to strike out "the expenses of round trip travel" and insert "expenses of transportation", so as to make the bill read:

*Be it enacted, etc.,* That section 7 of the Administrative Expenses Act of 1946, as amended (5 U. S. C. 73b-3), is amended by inserting after the third proviso the following new proviso: "Provided further, Any officer or employee of the United States appointed by the President, by and with the advice and consent of the Senate, to serve for a term fixed by law, whose post of duty is outside the continental United States, shall be allowed expenses of transportation for himself and his immediate family, but excluding household effects, from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment to such overseas post of duty, at the end of each 2 years of satisfactory service completed overseas, if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least 2 more years of overseas duty or serving the unexpired portion of his term."

Mr. JOHNSTON of South Carolina. Mr. President, the Administrative Expenses Act of 1946, as amended, among other things, provides authority for the payment of transportation costs of employees and their families from posts of duty outside the United States to places of actual residence for the purpose of taking leave under certain conditions or prior to beginning another tour of duty.

Mr. ALLOTT. Mr. President, what bill is before the Senate? I could not hear.

The PRESIDING OFFICER. Calendar No. 715, Senate bill 1903 is under consideration.

The Senate will be in order, in order that the Senator from South Carolina may be heard.

The Senator from South Carolina may proceed.

Mr. JOHNSTON of South Carolina. Mr. President, it has been held that the language of the act is not sufficiently broad to permit paying the transportation costs of certain Presidential employees, as for example, the United States marshal to the Canal Zone. The bill would correct this inadvertence.



Mr. President, we have an amendment which is more or less clarifying. It would strike out the words "the expenses of round-trip travel," and would insert the words "expenses of transportation," in order to limit reimbursement to the cost of transportation, as is the case with other Federal employees.

The amendment will make the procedure uniform in all cases, all though the departments.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FEDERAL SCHOOL CONSTRUCTION AT WAKE ISLAND

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 787, House bill 7540.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 7540) to amend Public Law 815, 81st Congress, relating to school construction in federally affected areas, to make its provisions applicable to Wake Island.

The PRESIDING OFFICER. The question is on agreeing to motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, at the time of the enactment of Public Law 815, 81st Congress, there was a satisfactory school building on Wake Island and, therefore, it was not included under the provisions of the act. In 1952, Hurricane Olive blew the school building into the ocean, and since that time a makeshift quonset hut has been used as a school. Because of an increase in population on the island, new housing has been authorized, which will be constructed on the present site of the makeshift school. Since the school cannot be removed without destroying its usefulness, the children on the island will be left without a school building in the near future.

Public Law 874, 81st Congress, which provides financial assistance for operation of schools in areas affected by Federal activities, was extended to cover Wake Island 4 years ago. The records at present show 45 children on the island with an average daily attendance of 41 in school. A recent Civil Aeronautics Administration report states that there will be 70 elementary school-age children on the island by 1958. It is estimated by the Department of Health, Education, and Welfare that a 3-room school should take care of the existing and predicted needs at a cost of approximately \$110,000.

Eighty percent of the population presently on the island are Federal employees working for the Civil Aeronautics Administration, operating a weather station and performing other duties, while the remaining 20 percent are contract workers on these installations. It is es-

timated that by 1958, 92 percent of the population will be Federal employees.

The committee recommends favorable action on the bill, and I hope the Senate will pass it.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H. R. 7540) was ordered to a third reading, read the third time, and passed.

#### JACKSON SCHOOL TOWNSHIP, IND.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 529, Senate bill 807.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 807) for the relief of Jackson School Township, Ind.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 1, line 6, after the word "of", where it appears the first time, to strike out "\$300,000" and insert "\$275,000", and on page 2, at the beginning of line 1, to strike out "no part of the amount appropriated in this act in excess of 10 percent thereof" and insert "the appropriate authorities convey to the United States all their right, title, and interest in and to the township school property located at Lincoln, Ind., which property has been rendered useless for school purposes due to the noise and danger from Department of the Air Force aircraft using Bunker Hill Air Base: *Provided further*, That no part of the amount appropriated in this act", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jackson School Township, Cass County, Ind., the sum of \$275,000 in full satisfaction of such school township's claim against the United States for compensation for the loss of utility of its school at Lincoln, Ind., and for costs to be incurred in relocating such school due to the noise and danger from Department of the Air Force aircraft using Bunker Hill Airbase: *Provided*, That the appropriate authorities convey to the United States all their right, title, and interest in and to the township school property located at Lincoln, Ind., which property has been rendered useless for school purposes due to the noise and danger from Department of the Air Force aircraft using Bunker Hill Airbase: *Provided further*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. JENNER. Mr. President, this bill is to authorize and direct the Secretary

of the Treasury to pay the sum of \$275,000 to Jackson School Township, Cass County, Ind., as compensation for the loss of utility of its school at Lincoln, Ind., and for costs to be incurred in relocating such school, due to the noise and danger from Department of the Air Force aircraft using Bunker Hill Air Base, provided that such property as has been rendered useless for school purposes be conveyed to the United States.

The Lincoln Elementary School is located in the community of Lincoln, Ind., approximately 3 miles southwest of the end of Bunker Hill Air Force Base runway, and is three-quarters of a mile northeast of the extended center line of that runway. The building was constructed in 1921; is a two-story brick, and has been kept in good condition. It is presently used for the first four grades of elementary classes.

The country superintendent of schools, as well as other interested officials, contend that the building has been rendered practically useless because of the noise resulting from the flight pattern adopted in the frequent takeoffs and landings occasioned by jet aircraft at the adjoining Air Force base.

The jet bombers fly directly over the land on which the school is located, inasmuch as it is in a direct line with the extended center line of the runway of the nearby airfield.

Only two other schools in the United States are in a comparable situation.

The school building is being deeded to the United States. In connection with the taking of the property, it is specified that no school will be held in this area. There is a great possibility that an airplane would hit the building and would kill all the children.

The runway is going to be extended; and it is necessary that the bill be passed.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the committee, which, without objection, will be considered en bloc.

The amendments were agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 807) was ordered to be engrossed for a third reading, read the third time, and passed.

#### LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to announce that we plan to have the Senate consider Calendar No. 863, Senate bill 1426, to amend the act of March 6, 1952, to extend the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal Reclamation laws.

We also plan to have the Senate consider Calendar No. 865, House bill 2460, to improve the career opportunities of nurses and medical specialists of the Army, Navy, and Air Force.

We also plan to have the Senate consider Calendar No. 866, House bill 8240, to authorize certain construction at mili-



tary installations, and for other purposes.

We also plan to have the Senate consider Calendar No. 859, Senate bill 1031, to authorize the Secretary of the Interior to construct, operate, and maintain 7 units of the Greater Wenatchee division, Chief Joseph project, Washington.

We hope to have the Senate reach most of those bills, if not all of them, tomorrow. I shall keep in touch with the minority leader, to be sure that the majority Members and the minority Members of the committees are informed and are ready to have the Senate proceed to the consideration of those bills.

In addition, we plan to have the Senate consider Calendar No. 721, House bill 6517, to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, and so forth. It is my information that the Senator from Nevada [Mr. BIBLE] and the Senator from Delaware [Mr. WILLIAMS] have discussed the matter informally, and that they hope, so far as they are concerned, to confine the debate on the bill to approximately 2 or 3 hours. However, the bill is controversial, and no doubt there will be some extended debate, and possibly there will be some yea-and-nay votes upon it.

I should like to have all Senators be on notice of the possibility of having those bills brought up and considered at any time.

#### RETIREMENT OF OFFICERS AND MEMBERS OF THE METROPOLITAN AND OTHER POLICE FORCES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 721, House bill 6517. My purpose in making the motion is to have the bill made the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 6517) to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the White House Police force, and of certain officers and members of the United States Secret Service, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. THYE. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. As soon as I am able to have my motion voted upon.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 6517) to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the

White House Police force, and of certain officers and members of the United States Secret Service, and for other purposes.

#### LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, now that House bill 6517 has been made the unfinished business, I am in much better humor, and am glad to yield to the Senator from Minnesota.

Mr. THYE. Mr. President, the Senator from Texas is always in good humor.

I wish to ask whether on tomorrow the Senate will consider Calendar No. 438, Senate bill 1873, to amend section 401 (e) of the Civil Aeronautics Act of 1938, in order to authorize permanent certification for certain air carriers operating between the United States and Alaska. If that bill is placed on the agenda for tomorrow, I shall sleep better tonight.

Mr. JOHNSON of Texas. Mr. President, I shall be glad to have the bill considered tonight, if the Senator from Minnesota can work out the difficulties on his side of the aisle and if it will be agreeable to the distinguished minority leader.

Mr. KNOWLAND. Mr. President, I am perfectly willing to have the bill included in the list for tomorrow.

Mr. THYE. I thank both Senators.

Mr. JOHNSON of Texas. Mr. President, I do not wish to end the session in disagreement. If the distinguished minority leader wishes to have consideration of that bill go over until tomorrow, although the bill went over on yesterday, then I inform my friend, the Senator from Minnesota [Mr. THYE] that we shall get to the bill tomorrow, if we are able to get the bill for the retirement of officers and members of the Metropolitan Police Force, the Fire Department of the District of Columbia, the United States Park Police Force, and so forth, out of the way.

Mr. President—

The PRESIDING OFFICER. The Senator from Texas has the floor.

#### RÉSUMÉ OF SENATE ACTIVITY IN THE 1ST SESSION OF THE 85TH CONGRESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a schedule of the activity of the Senate in the 1st session of the 85th Congress. The schedule shows that the Senate has been in session, through August 8, 116 days, for a total of 693 hours and 34 minutes.

The schedule also shows that the Senate has passed 801 measures and has confirmed 42,511 nominations.

Mr. President, I really think an error has been made in the preparation of the résumé; it seems to me that the Senate has been in session longer than that, and that the Senate has passed more bills and has confirmed more nominations. But I have stated the figures reported by the statistician, and we shall rely upon them until we have better information.

The PRESIDING OFFICER. The question is on agreeing to the request of the Senator from Texas.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

#### Senate activity, 85th Cong., 1st sess.

	Through July 8	Through Aug. 8
Days in session.....	92	116
Hours.....	506.16	693.34
Total measures passed by Senate.....	602	801
Senate bills.....	339	452
House bills.....	93	158
Senate joint resolutions.....	15	18
House joint resolutions.....	25	24
Senate concurrent resolutions.....	18	22
House concurrent resolutions.....	17	21
Senate resolutions.....	95	106
Public laws.....	84	121
Confirmations.....	36,002	42,511

#### ORDER FOR ADJOURNMENT UNTIL TOMORROW, AT 11 A. M.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until tomorrow, at 11 a. m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRANSACTION OF ROUTINE BUSINESS ON TOMORROW

Mr. JOHNSON of Texas. Mr. President, under the rule, on tomorrow, when the Senate convenes, there will be the usual morning hour, for the transaction of routine business only. In that connection, I ask unanimous consent that statements be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL ARTICLE PRINTED IN THE APPENDIX

By Mr. HUMPHREY:

Article entitled "Israel and Her Neighbors: Contrasting Views of Eminent Christian Leaders," written by Philip Slomovitz, and published in the Detroit Jewish News of July 12, 1957.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 9, 1957, he presented to the President of the United States the following enrolled bills:

S. 1446. An act to amend title 14, United States Code, so as to provide for retirement of certain former members of the Coast Guard Reserve; and

S. 1856. An act to provide for the development and modernization of the national system of navigation and traffic control facilities to serve present and future needs of civil and military aviation, and for other purposes.

#### ADJOURNMENT TO 11 A. M. TOMORROW

Mr. JOHNSON of Texas. I thank the distinguished Presiding Officer [Mr. TALMADGE] for spending most of his birthday in the chair. I express my gratitude to the Members of the Senate who have been so cooperative in the transaction of the Senate's business.







85TH CONGRESS  
1ST SESSION

# S. 1903

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 13, 1957

Referred to the Committee on Government Operations

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## AN ACT

To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 7 of the Administrative Expenses Act of 1946,  
4       as amended (5 U. S. C. 73b-3), is amended by inserting  
5       after the third proviso the following new proviso: "*Provided*  
6       *further, Any officer or employee of the United States ap-*  
7       *pointed by the President, by and with the advice and con-*  
8       *sent of the Senate, to serve for a term fixed by law, whose*  
9       *post of duty is outside the continental United States, shall*

1 be allowed expenses of transportation for himself and his  
2 immediate family, but excluding household effects, from his  
3 post of duty outside the continental United States to the  
4 place of his actual residence at the time of his appointment  
5 to such overseas post of duty, at the end of each two years  
6 of satisfactory service completed overseas, if he is returning  
7 to his actual place of residence for the purpose of taking  
8 leave prior to serving at least two more years of overseas  
9 duty or serving the unexpired portion of his term."

Passed the Senate August 9 (legislative day July 8),  
1957.

Attest:

FELTON M. JOHNSTON,

*Secretary.*



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## AN ACT

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To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

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AUGUST 13, 1967

Referred to the Committee on Government Operations







- 2 - House - July 16, 1958

water development programs (H. Rept. 2183); S. 2617, to authorize the purchase by the Secretary of the Interior of wetlands and small areas for migratory bird sanctuaries from funds collected from the sale of migratory bird hunting stamps (H. Rept. 2182); and S. 2447, to authorize studies by Interior of the effects of insecticides, herbicides, fungicides and other pesticides upon fish and wildlife (H. Rept. 2181). p. 12779

4. SMALL BUSINESS. The Ways and Means Committee reported with amendment H. R. 13382, the proposed Small Business Tax Revision Act of 1959 (H. Rept. 1298). p. 12779
5. FEDERAL-STATE RELATIONS. Continued debate on H. R. 3, to establish rules of interpretation governing questions of the effect of acts of Congress on State laws. pp. 12745-74
6. PERSONNEL. A subcommittee of the Government Operations Committee ordered reported with amendment S. 1903, to specifically include persons who are appointed by the President and confirmed by the Senate among the personnel for whom certain transportation costs may be paid outside continental U. S. p. D688  
A subcommittee of the Post Office and Civil Service Committee ordered reported with amendment S. 25, to specify the effective date upon which changes in pay of wage-board employees shall begin following the start of a survey. p. D689
7. WATER POLLUTION. The Public Works Committee ordered reported H. R. 11714, to amend the Federal Water Pollution Act so as to increase the limitation on certain grants for construction from \$250,000 to \$500,000. p. D689
8. ELECTRIFICATION. Conferees were appointed on H. R. 13121, authorizations for appropriations for AEC projects for 1959. Senate conferees have been appointed. p. 12774
9. AREA REDEVELOPMENT. Rep. Byrd urged enactment during this session of legislation to provide Federal assistance to economically depressed areas. p. 12776

#### SENATE

10. TRADE AGREEMENTS. Began debate on H. R. 12591, to extend and amend the Trade Agreements Act. Adopted the committee amendments en bloc as the text for additional amendments. pp. 12655-7, 12659-60, 12674-94, 12698-9, 12718-33
11. FORESTRY. The Agriculture and Forestry Committee ordered reported the following bills without amendment:
  - H. R. 10321, to authorize the exchange of lands within the Estes . Park Administrative Site, Roosevelt National Forest, for lands of equal value outside the Forest;
  - H. R. 11253, to authorize the Secretary of Agriculture to exchange certain Forest Service lands and improvements with Redding, Calif.;
  - H. R. 12161, to provide for the establishment of townsites from national forest lands;
  - S. 3248, to authorize the Secretary of Agriculture to exchange lands comprising the Pleasant Grove Administrative Site, Uinta National Forest, with a Pleasant Grove, Utah, church;

# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued July 17, 1958  
For actions of July 16, 1958  
85th-2d, No. 119

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HIGHLIGHTS: House concurred in Senate amendment to bill to extend authority for Federal administration of ACP. Senate debated trade agreements extension bill. House committee reported bill to increase allotments for extra-long staple cotton seed.

## HOUSE

1. SOIL CONSERVATION. Agreed to the Senate amendment to H. R. 1045, to extend for 4 additional years, until December 31, 1962, the authority of the Secretary to administer the agricultural conservation program pending the approval of State plans for administration of the program. This bill will now be sent to the President. p. 12737
2. COTTON ALLOTMENTS; LANDS. The Agriculture Committee reported without amendment H. R. 12531 to permit the allocation from acreage of extra long staple cotton for the production of extra long staple cotton seed (H. Rept. 2185), and H. R. 11800, with amendment, to authorize the Secretary to sell a tract of land and buildings thereon under the jurisdiction of ARS to Clifton, N. J. (H. Rept. 2184). p. 12779
3. FISH AND WILDLIFE. The Merchant Marine and Fisheries Committee reported with amendments H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued August 7, 1958  
For actions of August 6, 1958  
85th-2d, No. 134

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HIGHLIGHTS: House rejected farm bill. House passed bill to increase public debt limit. House received conference report on trade agreements extension bill. House Rules Committee reported resolution to agree to Senate amendments to accrued expenditures budgeting bill. House committee ordered reported bill to grant REA Administrator more authority. Sen. Humphrey urged long-term extension of Public Law 480. Sen. Ellender introduced bill to provide revolving fund for USDA loans.

## HOUSE

- FARM PROGRAM.** Voted, 210 to 186, to suspend the rules and pass S. 4071, the farm bill. Since this was not the required two-thirds vote for passage under suspension of the rules, the bill was rejected. p. 15049  
Rep. Anderson stated that food prices are increasing and that he has "predicted time and again consumers do not benefit from legislation and administrative action to depress farm commodity prices." p. 15044  
Rep. Harvey discussed the farm situation, particularly with regard to feed and livestock, and urged enactment of legislation for increased research on the industrial utilization of farm products. pp. 15085-89
- ELECTRIFICATION; ORGANIZATION.** The Government Operations Committee ordered reported with amendment H. R. 11762, to provide that Sec. I of the Reorganization Plan No. 2 of 1953, giving the Secretary administrative control over all USDA agencies, shall not hereafter apply to REA. p. D305



House - Aug. 6, 1958

3. FOREIGN TRADE. Received the conference report on H. R. 12591, to extend the authority of the President to enter into trade agreements (H. Rept. 2502). As reported the bill, among other things, extends the President's authority to enter into trade agreements for 4 years; restores a House provision that action found and reported by the Tariff Commission in an escape-clause proceeding to be necessary to prevent or remedy serious injury is to take effect if approved by the President or, if disapproved by the President, upon the adoption by both Houses of a concurrent resolution stating that the House and Senate approve the action so found and reported by the Tariff Commission to be necessary and deletes a Senate amendment providing for the establishment of a bipartisan commission, the Commission on International Trade Agreement Policy, to study and recommend improvements in international trade agreement policies. pp. 15083-85-, 15115
4. PUBLIC DEBT. Passed without amendment, 286 to 108, H. R. 13580, to increase the public debt limit to \$285 billion. pp. 15048-49
5. BUDGETING. The Rules Committee reported a resolution to agree to the Senate amendments to H. R. 8002, the accrued expenditures budgeting bill. pp. 15049-50, 15114
6. FRUIT AND NUT IMPORTS. Voted, 136 to 109, to suspend the rules and pass H. R. 11056, to amend the Agricultural Marketing Agreement Act so as to extend restrictions on certain imported citrus fruits, dried fruits, walnuts, and dates. Since this was not the required two-thirds vote for passage under suspension of the rules, the bill was rejected. p. 15050
7. APPROPRIATIONS. Received the conference report on H. R. 12738, the Defense Department appropriation bill for 1959 (H. Rept. 2503). pp. 15081-83
8. MILITARY CONSTRUCTION. Agreed, 256 to 135, to the conference report on H. R. 13015, the military construction authorization bill. pp. 15044-48
9. EDUCATION. The Rules Committee reported a resolution for consideration of H. R. 13247, to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical needs. (pp. 15050, 15114) Rep. Dwyer spoke on the need for enactment of this legislation. (pp. 15106-07)
10. ATOMIC ENERGY. Rep. Holifield criticized the President's statement taking exception to certain provisions of the atomic energy authorization bill, including the development of certain power reactors. pp. 15103-106
11. PERSONNEL. The Government Operations Committee reported without amendment S. 1903, to authorize the payment of transportation expenses for Presidential appointees assigned to duty posts outside the continental U. S. (H. Rept. 2487). p. 15115  
The Ways and Means Committee reported without amendment H. R. 11098, to repeal Section 1505 of the Social Security Act to provide that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws. p. D807
12. PROPERTY. The Government Operations Committee reported without amendment H. R. 13673, to amend the Federal Property and Administrative Services Act to permit donations of surplus property to volunteer fire-fighting organizations (H. Rept. 2494). p. 15115



AMENDING THE ADMINISTRATIVE EXPENSES ACT OF 1946 RELATING TO TRAVEL EXPENSES OF CIVILIAN OFFICERS AND EMPLOYEES ASSIGNED TO DUTY OUTSIDE OF THE UNITED STATES

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AUGUST 6, 1958.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. DAWSON of Illinois, from the Committee on Government Operations, submitted the following

## REPORT

[To accompany S. 1903]

The Committee on Government Operations, to whom was referred the bill (S. 1903) to amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

On page 2, line 1, delete "transportation for himself and", and insert in lieu thereof "round trip travel for himself and transportation of".

On page 2, line 9, delete "or serving the unexpired portion of his term."

The bill, as amended, reads as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Administrative Expenses Act of 1946, as amended (5 U. S. C. 73b-3), is amended by inserting after the third proviso the following new proviso: "Provided further, Any officer or employee of the United States appointed by the President, by and with the advice and consent of the Senate, to serve for a term fixed by law, whose post of duty is outside the continental United States, shall be allowed expenses of round-trip travel for himself and transportation of his immediate family, but excluding household effects, from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment*

to such overseas post of duty, at the end of each two years of satisfactory service completed overseas, if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least two more years of overseas duty."

#### PURPOSE

This bill would amend the Administrative Expenses Act of 1946 to provide that Presidential appointees who are confirmed by the Senate and who serve for a fixed term at posts of duty outside the continental United States may return to their homes every 2 years and bring their families at Government expense.

Existing law (5 U. S. C. 73b-3) authorizes expenses of round-trip travel of employees and transportation of their immediate families from posts of duty outside the continental limits of the United States to the places of their actual residence in the United States at the time of their appointments or transfers for purposes of taking annual leave, provided they sign agreements to serve another tour of duty overseas. These agreements usually are for a period of 2 years. The Comptroller General has ruled (34 C. G. 610) that Presidential appointees appointed for specific terms must serve the full term of their appointments before returning to the States at Government expense.

The bill as amended would amend existing law so as to provide travel benefits every 2 years for these appointees similar to those enjoyed by nearly all other Government employees when such appointees will return to serve at least 2 more years of overseas duty.

#### GENERAL STATEMENT

The committee has received information that not more than 22 positions would be affected by this legislation, 10 of which are in Alaska. The average annual cost of this legislation has been estimated at about \$8,600.

No objections to the bill were registered by any Government departments although suggested amendments were proposed by the Bureau of the Budget and the Comptroller General. Two of these amendments were incorporated into the bill by the committee.

This legislation was prompted by a ruling of the Comptroller General in 1955 that section 7 of the Administrative Expenses Act of 1946, as amended, which provides return travel every 2 years, did not apply to Presidential appointees who are confirmed by the Senate and who serve for a fixed term. The committee saw no reason why these overseas employees should not be given the same benefits which the law allows to nearly all others and, hence, recommends this legislation in the interest of equity and uniformity of treatment of Federal employees serving outside the United States.

## REPORT OF THE BUREAU OF THE BUDGET

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., February 14, 1958.

HON. WILLIAM L. DAWSON,  
*Chairman, Committee on Government Operations,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views and comments of the Bureau of the Budget on S. 1903, a bill to amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

This bill would apply to civilian officers and employees appointed for a fixed term by the President, by and with the advice and consent of the Senate, for duty outside the continental United States. It would enable them, and their families, to return every 2 years at Government expense for the purpose of taking leave at home prior to serving at least 2 more years overseas or serving the unexpired portions of their terms.

While the Bureau has no objections to the purpose of this bill, it believes that certain amendments should be made in order to achieve its apparent objectives.

It would seem equitable that the provisions of this legislation apply to Presidential appointees who are appointed without the advice and consent of the Senate or who serve at the pleasure of the President as well as to those on fixed terms with Senate confirmation. The bill applies only to the latter group. With respect to those officers with whom the Department of the Interior is concerned, the bill would apply to the Governors of Alaska and Guam but would not apply to the Governor of the Virgin Islands since he does not have a fixed term. Also, it would not apply to the government secretaries of Alaska and Guam since they are appointed without Senate confirmation, or to the government secretary of the Virgin Islands and the High Commissioner of Trust Territory of the Pacific Islands since they are appointed without Senate confirmation and serve at the pleasure of the President. To achieve equity it is suggested that on lines 7 and 8 there be deleted the phrases "by and with the advice and consent of the Senate, to serve for a term fixed by law."

Lines 1 and 2 of page 2 of the bill state that the officer or employee covered shall "be allowed expenses of transportation for himself and his immediate family. \* \* \*" This means that an appointee would not be entitled to per diem while traveling under the bill. This benefit is available to other employees covered under an earlier proviso of section 7 which this will amend. To secure equity in treatment it is suggested that the term "travel" be sub-



stituted for the word "transportation" in line 1 of page 2 and that the term "transportation for" be inserted prior to "his." The language would then conform with that of the prior proviso of section 7 which applies to other employees.

The Comptroller General has held in decision B-12705 of May 9, 1956, that Public Law 737, 83d Congress (authorizing round-trip travel between tours of overseas duty for the purpose of taking leave at home) does not apply to the Governors and secretaries of Alaska, Guam, and the Virgin Islands, and to the High Commissioner of the Trust Territory of the Pacific Islands for the reason that these employees are not under any statutory leave system whereas Public Law 737 authorizes travel only for the purpose of taking leave at home. S. 1903 likewise authorizes travel only for the purpose of taking leave at home and, therefore, would doubtless face the same decision if submitted to the Comptroller General. To avoid this possibility, it is suggested that the phrase "for the purpose of taking leave" be deleted from lines 7 and 8 on page 2 of the bill.

The bill provides that the round-trip travel will be paid for by the Government "prior to serving at least two more years of overseas duty or serving the unexpired portion of his term" (lines 8 and 9 of p. 2). It is recommended that language be added to avoid situations where the officer or employee might have only a matter of a few months to serve after returning from a period of leave for which the Government has paid the travel costs. Further, it is believed desirable to provide in the bill that exception be made to the 2-year requirement of service following return to overseas duty should the President terminate the appointment of an officer or employee serving at his pleasure. It is, therefore, suggested that the bill be amended by deleting in line 9 of page 2 the words "or serving the unexpired portion of his term" and substituting therefor "unless his appointment is terminated by the President or where serving under a term fixed by law the unexpired portion of which is less than two years but is at least one year, until expiration of his term or tenure of appointment."

With the amendments suggested above, this Bureau would have no objection to enactment of S. 1903.

Sincerely yours,

ROBERT E. MERRIAM,  
*Assistant Director.*

## REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D. C., August 27, 1957.

B-130456

HON. WILLIAM L. DAWSON,  
*Chairman, Committee on Government Operations,  
House of Representatives.*

DEAR MR. CHAIRMAN: Your letter of August 15, 1957, acknowledged August 19, requests our report upon S. 1903, which would amend section 7 of the Administrative Expenses Act of 1946, as amended (5 U. S. C. 73b-3), by the insertion of a new proviso between the third and fourth provisos of that section.



The apparent purpose of the bill is to provide authority for the payment of expenses of transportation of certain Presidential appointees and their immediate families from posts of duty outside the United States to places of actual residence within the United States prior to their serving an additional period of 2 years or more at overseas posts or until the expiration of their terms of appointment.

While we have no special information indicating the extent of the need for enactment of S. 1903 and offer no comments concerning its desirability, we note that in its present form the bill would apply only to Presidential appointees who "serve for a term fixed by law" to the exclusion of those appointees who serve at the pleasure of the President.

We note also that the benefits which would be granted Presidential appointees under the proposed new proviso differ from the benefits granted employees generally under the existing third proviso in section 7. The proposed proviso makes no provision for round-trip expenses and authorizes the expenses of transportation only in the case of Presidential appointees. On the other hand the existing third proviso authorizes the "expenses of round-trip travel of employee and transportation of immediate family." If it is the intent of the Congress to make these benefits uniform it could be accomplished by substituting the following language for that presently appearing in lines 1 and 2 of page 2 of the bill: "be allowed expenses of round-trip travel for himself and transportation of his immediate family, but excluding household effects, from his \* \* \*."

We note, also, that the third proviso requires the execution of a new agreement to serve an additional period of service overseas as a condition of eligibility for the benefits of that proviso. However, S. 1903 fails to require the execution of a similar agreement. It may be desirable to amend S. 1903 to require the execution of an agreement by Presidential appointees to serve overseas for an additional minimum period or until the expiration of their appointments in order to qualify for the benefits provided thereunder. On the other hand, your committee may prefer this matter be handled under the regulatory authority of the President.

We suggest also, that there be considered the desirability of the insertion of language which would preclude a Presidential appointee from receiving home leave travel expenses shortly before his term of appointment would expire. Under the bill it would appear that a Presidential appointee after serving 2 years overseas would be entitled to home leave travel benefits, even though there may be only 1 or 2 months remaining in his term of appointment. We doubt that it would be in the interest of the United States to pay round-trip home leave travel expenses in those circumstances. It would seem reasonable to require an additional period of service overseas of at least 1 year (or some other fixed minimum period) before any home leave travel benefits would be authorized.

As a technical matter officers or employees appointed by the President with the advice and consent of the Senate or by the President alone whose rates of basic compensation exceed the maximum rate provided in the general schedule of the Classification Act of 1949, as amended, are not subject to the Annual and Sick Leave Act of 1951 and when they return to their actual place of residence following the

completion of 2 years of duty overseas such return would not in the strict sense of the term be for the purpose of "taking leave."

Sincerely yours,

JOSEPH CAMPBELL,  
*Comptroller General of the United States.*

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RULING OF THE COMPTROLLER GENERAL ON SECTION 7 OF THE ADMINISTRATIVE EXPENDITURES ACT OF 1946, AS AMENDED

B-123418

TRAVELING EXPENSES—LEAVES OF ABSENCE—RETURN TO UNITED STATES—UNITED STATES ATTORNEYS AND MARSHALS

United States attorneys and marshals who are appointed by the President, with the advice and consent of the Senate, for specified terms of duty outside the continental United States are entitled to the benefits of the Home Leave Act of August 31, 1954, provided their appointments expire after the date of the act and they are reappointed for an additional period.

Comptroller General Campbell to the Attorney General, May 16, 1955:

"The Administrative Assistant Attorney General, in letter dated March 24, 1955, requests our decision upon the question whether the provisions of the act of August 31, 1954 (68 Stat. 1008), authorizing expenses of travel and transportation for leave purposes, apply to the United States attorney and the United States marshal for the Canal Zone, and to the United States attorney and their assistants in Alaska. He also requests our decision regarding the matter of whether employees, who received original appointments before agreements to remain at their duty stations for a specific period were required by law and regulations, may be allowed the travel and transportation expenses for leave purposes authorized by the act.

"Section 6 of Executive Order No. 6166, June 10, 1933, transferred the district court for the Panama Canal to the Department of Justice and the salaries of the district attorney and the marshals for the Canal Zone are fixed by the Attorney General under authority of title 28 United States Code, sections 508 and 552. It thus appears that while the leave rights of those employees are governed by section 42 (c) of title 7, Canal Zone Code, and section 8 of Executive Order No. 7676, July 26, 1937, issued pursuant thereto (see 32 Comp. Gen. 115), and that they may be entitled to certain privileges under section 6 of the order, nevertheless they actually are employees of the Department of Justice for administrative purposes and, as such, they come within the purview of section 7 of the Administrative Expenses Act of 1946 (60 Stat. 806), as amended if otherwise qualified thereunder.

"The act of August 31, 1954 (68 Stat. 1008), amends section 7 of the Administrative Expenses Act of 1946, as amended, in pertinent part as follows:

"*Provided further*, That expenses of round trip travel of employees and transportation of immediate family but excluding household effects, from their posts of duty outside the continental United States to the places of actual residence at time of appointment or

transfer to such overseas posts of duty, shall be allowed in the case of persons who have satisfactorily completed an agreed period of service overseas and are returning to their actual place of residence for the purpose of taking leave prior to serving another tour of duty at the same or some other overseas post, under a new written agreement entered into before departing from the overseas post. \* \* \*

"The district attorneys and marshals in the Canal Zone and Alaska are appointed by the President by and with the advice and consent of the Senate under section 42 of title 7, Canal Zone Code, and section 54-1-1 of title 54, Alaska Compiled Laws Annotated, respectively. Their terms of office are for 8 years each in the Canal Zone and 4 years each in Alaska. It is clear from their acceptance of Presidential commissions that they are to remain at their duty stations for the periods indicated therein. The provisions of the act of August 31, 1954, quoted above, would apply to them only if they were reappointed for an additional period and desired to return to their actual place of residence for the purpose of taking leave prior to their serving another period under the new appointment. The district attorneys and marshals whose appointments expire after enactment of the 1954 act and who are reappointed for an additional period may be returned to their actual place of residence for the purpose of taking leave prior to their serving the period under the new appointment.

"The questions presented are answered accordingly."

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### ADMINISTRATIVE EXPENSES ACT OF 1946, AS AMENDED

(5 U. S. C. 73b-3)

\* \* \* \* \*

SEC. 7 \* \* \* *Provided further*, That expenses of round trip travel of employee and transportation of immediate family but excluding household effects, from their posts of duty outside the continental United States to the places of actual residence at time of appointment or transfer to such overseas posts of duty, shall be allowed in the case of persons who have satisfactorily completed an agreed period of service overseas and are returning to their actual place of residence for the purpose of taking leave prior to serving another tour of duty at the same or some other overseas post, under a new written agreement entered into before departing from the overseas post: *Provided further*, Any officer or employee of the United States appointed by the President, by and with the advice and consent of the Senate, to serve for a term fixed by law, whose post of duty is outside the continental United States, shall be allowed expenses of transportation for himself and his immediate family, but excluding household effects, from his post of duty



*outside the continental United States to the place of his actual residence at the time of his appointment to such overseas post of duty, at the end of each two years of satisfactory service completed overseas, if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least two more years of overseas duty or serving the unexpired portion of his term.*





# Union Calendar No. 1021

85<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

## S. 1903

[Report No. 2487]

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### IN THE HOUSE OF REPRESENTATIVES

AUGUST 13, 1957

Referred to the Committee on Government Operations

AUGUST 6, 1958

Reported with amendments, committed to the Committee of the Whole House  
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

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## AN ACT

To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 7 of the Administrative Expenses Act of 1946,  
4       as amended (5 U. S. C. 73b-3), is amended by inserting  
5       after the third proviso the following new proviso: "*Provided*  
6       *further, Any officer or employee of the United States ap-*  
7       pointed by the President, by and with the advice and con-  
8       sent of the Senate, to serve for a term fixed by law, whose  
9       post of duty is outside the continental United States, shall

1 be allowed expenses of ~~transportation for himself and~~ *round*  
2 *trip travel for himself and transportation of* his immediate  
3 family, but excluding household effects, from his post of duty  
4 outside the continental United States to the place of his  
5 actual residence at the time of his appointment to such over-  
6 seas post of duty, at the end of each two years of satisfactory  
7 service completed overseas, if he is returning to his actual  
8 place of residence for the purpose of taking leave prior to  
9 serving at least two more years of overseas duty ~~or serving~~  
10 ~~the unexpired portion of his term.~~"

Passed the Senate August 9 (legislative day July 8),  
1957.

Attest:

FELTON M. JOHNSTON,

*Secretary.*



85TH CONGRESS  
2D SESSION

S. 1903

[Report No. 2487]

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# AN ACT

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To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

AUGUST 13, 1957

Referred to the Committee on Government Operations

AUGUST 6, 1958

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed







Aug 12, 1958

13. ONION FUTURES. Received the conference report on H. R. 376, to prohibit trading in onion futures in commodity exchanges (H. Rept. 2559). (pp. 15633-34, 15661). As reported the bill "retains onions as a commodity subject to the provisions of the Commodity Exchange Act, thus continuing the authority which the Commodity Exchange Authority has under that act to take action against anyone who shall manipulate or attempt to manipulate the price of onions in the cash market," and "retains the language of the Senate amendment which makes the making of an onion-futures contract a misdemeanor and providing a criminal penalty for such a violation of the act. Thus, in the event that there should be further trading in onion futures, criminal charges could be based directly on the legislation herewith reported, instead of under the provisions of the Commodity Exchange Act."
14. WATER POLLUTION. Concurred in the Senate amendments to H. R. 6701, to grant the consent of Congress to the Tennessee River Basin Water Pollution Control Compact. This bill will now be sent to the President. pp. 15644-45
15. AREA REDEVELOPMENT. The Rules Committee reported a resolution for consideration of S. 3683, to establish an effective program to alleviate conditions of substantial and persistent unemployment in certain economically depressed areas. p. 15660  
Rep. Flood stated that "unemployment persists throughout the land," inserted a table indicating rural areas and labor market areas "suffering from substantial labor surplus," and inserted correspondence urging enactment of legislation for the relief of economically depressed areas. pp. 15652-53
16. PURCHASING; LEASES. A subcommittee of the Government Operations Committee ordered reported H. R. 10565, with amendment, to improve opportunities for small business concerns to obtain a fair proportion of Government purchases and contracts; and S. 3142, to extend the authority to lease out Federal building sites until needed for construction purposes. p. D836
17. PERSONNEL. Passed under suspension of the rules S. 1903, to provide that Presidential appointees who serve specific terms of more than 2 years overseas shall be entitled to travel expenses, the same as other Federal employees, when they return to their place of residence at the end of their tour of duty. pp. 15610-11
18. RESEARCH. Received from the Government Operations Committee a report "pertaining to research and development"; (H. Rept. 2552). p. 15661
19. RECLAMATION. Agreed to S. Con. Res. 113, to request the President to return for technical revision and re-enrollment the enrolled bill. S. 4002, to authorize the Interior Department to operate and construct the Grey Reef Dam and Reservoir as part of the Glendo unit, Missouri River project. p. 15573  
Passed under suspension of the rules S. 4009, to increase the authorization for construction of the Washoe reclamation project, Calif.-Nev. This bill will now be sent to the President. p. 15607  
Passed under suspension of the rules H. J. Res. 585, to authorize studies and a report on service to certain Calif. counties from the Central Valley project. pp. 15608-9
20. SURPLUS PROPERTY. Passed under suspension of the rules H. R. 13673, to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to volunteer fire-fighting organizations. pp. 15584-90, 15598



21. SALINE WATER. Passed under suspension of the rules S. J. Res. 135, to authorize the Interior Department to construct and operate demonstration plants for the production of water fit for consumption and use from brackish or saline waters. pp. 15598-604

Received from the Government Operations Committee its 31st report on the saline water program (H. Rept. 2551). p. 15660

22. LEGISLATIVE PROGRAM. Rep. McCormack announced that the following bills will be considered under suspension of the rules Wed., Aug. 13: S. 3333, to facilitate insured loans under Bankhead-Jones Act; H. R. 8002, the accrued expenditures budgeting bill; H. R. 10360, to extend the Mexican farm labor program; and H. R. 13254, the chemical food additive bill. p. 15645

#### ITEMS IN APPENDIX

23. WATER RESOURCES. Sen. Wiley inserted an article, "Agreement Sought for Columbia River Program--United States and Canada Tackle Differences." pp. A7206-7  
Rep. Engle inserted excerpts of a speech he made discussing a "new approach" to water development, "New Federal-State Relationship in Developing California's Water Resources." pp. A7209-11

#### BILLS INTRODUCED

24. CONTRACTS. H. R. 13744, by Rep. Hyde, to improve opportunities for small business concerns to obtain a fair proportion of Government purchases and contracts, to facilitate procurement of property and services by the Government; to Government Operations Committee.
25. RIVER BASINS. S. 4266, by Sen. Johnson, Tex., to establish the U. S. Study Commission on the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces, and San Jacinto River Basins, and intervening areas; to Public Works Committee. Remarks of author. pp. 15665-6
26. FOREIGN AID. S. 4267, by Sen. Javits (for himself and others), to establish a corporation to expand materially the flow of private U. S. investment primarily into the private economies of the less developed areas of the world -- the corporation to be called the World Development Corporation; to Banking and Currency Committee. Remarks of Sen. Javits. pp. 15666-8
27. FOREIGN TRADE. S. 4272, by Sen. Flanders (for himself and others), to establish a Commission on International Trade Agreement Policy; to Finance Committee. Remarks of Sen. Flanders. pp. 15669-70
28. FISCAL PROBLEMS. S. J. Res. 197, by Sen. Bush, to establish a Commission on the long-range fiscal problems of the U. S.; to Finance Committee. Remarks of author. pp. 15670-1
29. APPROPRIATION. S. J. Res. 198, by Sen. Bush, proposing an amendment to the Constitution of the United States to give the President item veto powers over appropriations bills and authorizations to borrow money directly from the Treasury; to Judiciary Committee. Remarks of author. pp. 15671-2

#### BILLS APPROVED BY THE PRESIDENT

30. CIVIL DEFENSE. H. R. 7576, which permits the expansion of the civil defense activities of the Federal Government in order to achieve a more effective total national defense program. Approved August 8, 1958 (Public Law 85-606, 85th Congress).



making of a study to determine whether we should spend more money?

Mr. BOW. My understanding is that this is a bill which is going to cost the Federal Government \$200,000. The State of California will contribute about \$200,000. This is to have a study made which will recommend the spending of some millions of dollars.

Mr. HOFFMAN. Is it a sort of a Federal aid to education that is being made for the education of the Congress?

Mr. BOW. That might be one type of education that may be good. We should be educated to the costs that we are called upon to face at times that are not of any real value to the taxpayers. This is one type of education that might be good.

Mr. HOFFMAN. Assuming that we can be educated into that frame of mind, does the gentleman know of any way we can use that information and follow through and not spend so many billions of dollars that we do not have?

Mr. BOW. As in the rule, the gentleman from Michigan makes a very good point and I must admit I have seen no real inclination in the last few days or weeks of the Congress to save billions of dollars.

Mr. HOFFMAN. If what the gentleman says is true, and I assume it is, this education is not going to do us any good; so why spend \$250,000?

Mr. BOW. I heard the gentleman from California say that this is a very important project and for that reason I think perhaps I shall go along with him.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Michigan.

Mr. JOHANSEN. The remark was made a few moments ago by the gentleman from Colorado that if a certain bill were adopted the money that would be saved or might be saved as a result of some of the studies would be greatly in excess of the amount of the authorization. Would the gentleman agree that if we had on hand all of the money that we have been told would have been saved or was supposed to be saved if we only voted for certain appropriations, we could probably wipe out the national debt?

Mr. BOW. If we had all of the money that we have spent over and above the amount of studies, or above the amount that we were told certain projects would cost, I think perhaps the gentleman is quite right.

Mr. Speaker, I have no further requests.

The SPEAKER pro tempore (Mr. HARRIS). The question is on suspending the rules and passing the joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

AMENDING REORGANIZATION PLAN NO. 1 OF 1958

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the

bill (S. 4059) to amend Reorganization Plan No. 1 of 1958 in order to change the name of the office established under such plan.

The Clerk read as follows:

*Be it enacted, etc.,* That Reorganization Plan No. 1 of 1958 is amended by striking out "Office of Defense and Civilian Mobilization" wherever appearing therein and inserting in lieu thereof "Office of Civil and Defense Mobilization."

The SPEAKER pro tempore. Is a second demanded?

Mr. HOFFMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. The gentleman objected to the demand for a second; did he not?

The SPEAKER pro tempore. No.

Mr. GROSS. I thought he did. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. Did not the gentleman from Michigan object to the demand for a second?

The SPEAKER pro tempore. The Chair asked if a second was demanded, and no one has yet demanded a second.

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. I thought the question was whether or not the rules should be suspended and the bill be considered. Was not that put?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HOFFMAN. Well, that is what I objected to.

The SPEAKER pro tempore. This is a privileged motion, of course, and is not subject to objection.

Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I make the point of order that a quorum is not present, if that is in order.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. HOLIFIELD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Allen, Calif	Buckley	Engle
Anderson, Mont.	Burdick	Farbstein
Anfuso	Christopher	Fino
Barden	Clark	Friedel
Baring	Coad	Gordon
Barrett	Colmer	Gregory
Bass, N. H.	Coudert	Gwinn
Baumhart	Curtis, Mo.	Hardy
Beamer	Delaney	Hays, Ohio
Becker	Derounian	Healey
Bilch	Dies	Hebert
Bosch	Diggs	Hillings
Boykin	Dollinger	Holtzman
Brooks, La.	Donohue	James
Brownson	Dorn, N. Y.	Jarman
	Eberharter	Jenkins

Kearney	Multer	Rooney
Kearns	Murray	Santangelo
Kee	Nix	St. George
Kelly	Norblad	Scherer
Keogh	Norrell	Sheehan
Kilburn	O'Brien, N. Y.	Shelley
Knutson	O'Neill	Shuford
Landrum	Philbin	Smith, Kans.
Lankford	Pillion	Smith, Va.
Latham	Powell	Spence
LeCompte	Preston	Teller
Lesinski	Prouty	Thompson, La.
Macdonald	Radwan	Vanik
Mason	Ray	Vursell
Meador	Reece, Tenn.	Wainwright
Michel	Riehlman	Wharton
Miller, N. Y.	Robeson, Va.	Winstead
Morrison	Robison, N. Y.	Zelenko

The SPEAKER pro tempore. Three hundred and twenty-three Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING REORGANIZATION PLAN NO. 1 OF 1958

Mr. HOLIFIELD. Mr. Speaker, the RECORD will show that I did not request the quorum call.

We have a bill before us S. 4059, which was passed recently in the other body, it is a bill to change the name of the Office of Defense and Civilian Mobilization to the Office of Civil and Defense Mobilization.

This is a bill that is requested by the administration and was referred to our committee. Functioning as one of the members of that committee, I introduced a similar bill. However, the Senate bill passed the other body and we are now calling it up for consideration under a suspension of the rules.

I am sure the House will be very much interested in knowing why we are taking the time to suspend the rules and pass such important legislation. The reason given by the administration for asking for this change was that the title was confusing and ambiguous, that the word "Defense" being the first mentioned caused confusion with the Department of Defense, so they wish now to change it to "Office of Civil and Defense Mobilization."

I know of no opposition to this bill, Mr. Speaker.

I understand a second has been requested by the gentleman from Iowa, Mr. GROSS.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. GROSS. Where is the report on this bill?

Mr. HOLIFIELD. As a matter of fact, I do not know where the report is. I have given the gentleman the information on it. If he wants to pass it up and the House wants to vote it down it is completely immaterial to me.

Mr. GROSS. What is the necessity for it?

Mr. HOLIFIELD. I just explained to the gentleman that the reason the administration gave for the change of title of this combined agency was so that it would not be confused with the Department of Defense. In other words, the original title was "Office of Defense and Civilian Mobilization." This was sent up



by the President in a reorganization plan. This was no language of mine. Now they have decided that the title is confusing with the Department of Defense and they want to change it to "Office of Civil and Defense Mobilization."

How can you write much of a report on a thing like that?

Mr. JOHANSEN. How do you write a report on anything?

Mr. HOLIFIELD. How is that?

Mr. GROSS. How do you write a report on anything?

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan.

Mr. JOHANSEN. Mr. Speaker, in view of the fact that at least part of this agency is located in my district, I am going to plead for this tremendously important bill and ask the gentleman this question: Is this not one bill that will not cost the taxpayers a penny?

Mr. HOLIFIELD. In my opinion, the gentleman has spoken truly. This is a bill that does not require any money. It is simply a change in nomenclature. The gentleman who has always been willing to support legislation which affects the district he so ably represents says he supports this legislation, and I am glad to have his support on this important bill. I trust that if there be any opposition on his side of the aisle the Members will consult with him on its importance.

Mr. McCOORMACK. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Massachusetts.

Mr. McCOORMACK. Might it not be said also that this bill gives an opportunity for many of our Republican friends to vote once in a while with the President?

Mr. HOLIFIELD. I think so. I have no further requests for time, Mr. Speaker.

Mr. GROSS. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A similar House bill (H. R. 13214) was laid on the table.

#### AMENDING ADMINISTRATIVE EXPENSES ACT OF 1946

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1903) to amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

The Clerk read as follows:

*Be it enacted, etc.,* That section 7 of the Administrative Expenses Act of 1946, as amended (5 U. S. C. 73b-3), is amended by inserting after the third proviso the following new proviso: "Provided further, Any officer or employee of the United States appointed by the President, by and with the advice and consent of the Senate, to serve for a term fixed by law, whose post of duty

is outside the continental United States, shall be allowed expenses of round trip travel for himself and transportation of his immediate family, but excluding household effects, from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment to such overseas post of duty, at the end of each 2 years of satisfactory service completed overseas, if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least 2 more years of overseas duty."

The SPEAKER. Is a second demanded?

Mr. BROWN of Ohio. Mr. Speaker, I demand a second.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I yield myself 5 minutes.

(Mr. FASCELL asked and was given permission to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, this bill was reported unanimously by the committee, with two amendments, which makes a very simple and equitable change in the Administrative Expenses Act of 1946. Under the present law employees who serve 2-year terms of duty outside continental United States may be returned with their families to the United States at Government expense, provided they sign an agreement that they will serve another tour of duty.

The Comptroller General has ruled that this law does not apply to presidential appointees who serve outside the continental limits of the United States when their term of office is for more than 2 years. Therefore, the purpose and intent of this bill is to make it possible for those Presidential appointees who serve specific terms of more than 2 years to be in the same position as other Federal employees are with respect to return on annual leave at the end of their tour of duty.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Ohio.

Mr. BOW. Recently there has come to my attention the situation of the Civil Aeronautics Authority in Puerto Rico where they have agreed to stay over an additional 2 years and take this time to go home.

Is it the gentleman's understanding when they have this privilege of coming home at the end of 2 years, after signing up, then the Collector of Internal Revenue considers that as additional salary, or is the gentleman familiar with that situation?

Mr. FASCELL. I am not familiar with that point the gentleman raises, but this bill deals with the right of an appointee to be returned to the United States if his tour of duty is more than 2 years.

Mr. BOW. Yes; but it seems to me the House should consider, when this matter is before the appropriate committee again, whether or not this should be considered as additional compensation upon which these employees have to pay an income tax. I have been told

that in a similar situation, where the employees of CAA in San Juan, Puerto Rico, consented to go back for an additional 2 years of duty, the Collector of Internal Revenue charged them with income tax on those expenses of bringing their families here and then back to their place of duty. I think the Government should take that into consideration.

Mr. FASCELL. I thank the gentleman for making that point. I quite agree with him that that is an inequitable situation, and I hope the committee having jurisdiction of that subject matter will look into the matter further.

Mr. BOW. I thank the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I am rather of the opinion that the enactment of this legislation which fixes this as expense money will eliminate any question that it is income and might be taxable.

Mr. FASCELL. I think that the gentleman is correct, since it does put those employees who have longer than a 2-year term on the same basis as other Federal employees under the act. It could then properly be considered as expense money and might accomplish what the gentleman from Ohio [Mr. Bow] had in mind.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand that the average annual cost of this is \$8,600?

Mr. FASCELL. That is the best estimate the committee had. I might say to the gentleman it affects only some 22 positions.

Mr. GROSS. I thank the gentleman.

Mr. FASCELL. Mr. Speaker, I have no further requests for time.

Mr. BROWN of Ohio. Mr. Speaker, as a member of the Committee on Government Operations, I served on the subcommittee that considered this legislation. I feel it is good legislation. As the gentleman from Florida has explained, it was prepared especially to meet a situation which faces about 25 or 30 employees of the Federal Government, Presidential appointees, who have a longer term of office than others. I hope that the colloquy which has taken place here today will come to the attention of the Internal Revenue Service and that it will be understood from the statements made on the floor of the House today that it was the intention and the purpose of the committee in drafting this legislation to make clear that the expense funds furnished these employees to return home under the provisions of the bill are to be considered as expenses and not as income for taxable purposes. I hope the Record will make that very clear, and I believe the gentleman from Florida will agree that such was and is the intention and the purpose and the thought of the committee and the House in the consideration, the reporting, and the passage of this legislation, which I support.

The SPEAKER. The question is on suspending the rules and passing the bill.



The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

# FEDERAL AVIATION ACT OF 1958

Mr. HARRIS submitted the conference report and statement on the bill (S. 3880) to create a Civil Aeronautics Board and a Federal Aviation Agency, to provide for the regulation and promotion of civil aviation in such manner as to best foster its development and safety, and to provide for the safe and efficient use of the airspace by both civil and military aircraft.

(For text of conference report, see pages 15475-15498 of Senate proceedings of the CONGRESSIONAL RECORD of August 11, 1958.)

The statement follows:

## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3880) entitled "An act to create a Civil Aeronautics Board and a Federal Aviation Agency, to provide for the regulation and promotion of civil aviation in such manner as to best foster its development and safety, and to provide for the safe and efficient use of the airspace by both civil and military aircraft," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

In large part the provisions of the Senate bill and the House substitute amendment were the same or similar, but there were some rather important differences.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill, and also recede from its disagreement to the amendment to the title.

The differences between the House amendment to the text of the bill and the substitute agreed to in conference are noted below, except for clerical corrections, incidental changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

Table of contents: The Senate bill contained a table of contents, immediately preceding title I, showing the division of the bill into titles and sections. The House amendment omitted the table of contents. A table of contents is included in the bill agreed to in conference.

Parachute jumpers: Section 101 (7) of the House amendment, unlike the Senate bill, included within the definition of the term "airman" any individual who makes test, exhibition, or practice parachute jumps from aircraft, whether for sport or for monetary consideration. The bill as agreed to in conference omits the House provisions as to parachute jumpers.

Administrator and Deputy Administrator: One major point of difference between the Senate bill and the House amendment concerned the matter of military status or background of the Deputy Administrator in any case where the Administrator is a former regular officer of one of the armed services.

Both the Senate bill and the House amendment provided with respect to the Adminis-

trator (as does the bill agreed to in conference, in section 301 (b)), that "at the time of his nomination he shall be a civilian."

"With respect to the Deputy Administrator, section 302 (b) of the bill as passed by the Senate provided that nothing in the act or other law should preclude appointment to the position of Deputy Administrator of an officer on active duty with the armed services. The House retained this provision, but added an exception, as follows: "except that if the Administrator is a former regular officer of any one of the armed services, the Deputy Administrator shall not be an officer on active duty with one of the armed services or a retired or resigned regular officer of one of the armed services."

This exception is retained in the bill agreed to in conference with a slight clarifying change, so that it reads as follows: "except that if the Administrator is a former regular officer of any one of the armed services, the Deputy Administrator shall not be an officer on active duty with one of the armed services or a retired regular officer or a former regular officer of one of the armed services."

The requirement in section 301 (b) that the Administrator be a civilian at the time of his nomination means that he shall be a civilian in the strictest sense of the word. Thus, at the time he is nominated he may not be on the active or retired list of any regular component of the armed services or be on extended active duty in or with the armed services.

The exception in section 302 (b) recognizes that the Administrator may be a former regular officer of one of the armed services whose official connection with his former military service had been completely severed at the time he was nominated for the office of Administrator. However, it provides that in that event the Deputy Administrator must be a person without any prior service as a regular military officer.

Personnel provisions: Section 202 (b) of the Senate bill contained provisions, not contained in the House amendment, authorizing the Civil Aeronautics Board to place not to exceed 15 positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949, as amended, subject to the standards and procedures prescribed by section 505 of that act. These 15 positions were to be in addition to the total number of positions authorized to be placed in such grades by section 505 of the Classification Act of 1949. Section 202 (b) of the bill as agreed to in conference is similar to section 202 (b) of the Senate bill, except that the number of such supergrade positions is reduced from 15 to 8. The bill as agreed to in conference also makes it clear that these 8 supergrade positions for the Board are in addition to the number of positions allocated to the Board from the total number authorized by section 505 of the Classification Act of 1949, as amended, and also are in addition to the number of such positions authorized for the Board by Public Law 85-469. Section 202 (b) of the conference agreement also provides that there shall be no reduction in total number of supergrade positions under section 505 (h) of the Classification Act of 1949, as amended, by reason of the supergrade positions authorized for the Civil Aeronautics Board by Public Law 85-469.

Section 302 (f) of the Senate bill, granting general authority to the Administrator to appoint personnel in accordance with the civil-service and classification laws, contained language authorizing the Administrator to fix the compensation of not more than 10 positions at rates not to exceed \$19,500 per annum. In the corresponding subsection of the House amendment this language was omitted. In the bill as agreed to in conference the language is restored.

Section 302 (j) of the Senate bill contained provisions, not contained in the House amendment, authorizing the Administrator to place not more than 100 positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949, as amended, subject to the standards and procedures prescribed by section 505 of that act. These positions were to be in addition to the total number of positions authorized to be placed in such grades by such section 505. Section 302 (j) of the bill as agreed to in conference is similar to section 302 (j) of the Senate bill, except that the number of such supergrade positions is reduced from 150. The bill as agreed to in conference also makes it clear that these 50 supergrade positions are in addition to those positions transferred to the new Federal Aviation Agency under section 1502 of the conference agreement which were, before the effective date of section 302 (j) of the conference agreement, (1) allocated to the Civil Aeronautics Administration under section 505 of the Classification Act of 1949, as amended, (2) authorized for the Civil Aeronautics Administration by Public Law 85-469, or (3) authorized for the Airways Modernization Board by Public Law 85-133. Section 302 (j) of the conference agreement also provides that there shall be no reduction in total number of supergrade positions under section 505 (h) of the Classification Act of 1949, as amended, by reason of the supergrade positions authorized for the Civil Aeronautics Administration by Public Law 85-469.

Air mail pay: Section 406 of the bill agreed to in conference deals with the Civil Aeronautics Board's function of determining the fair and reasonable rates of compensation for transportation of mail by aircraft, the factors or elements to be considered in fixing such rates, the payment of such rates, and related matters. It is a reenactment, with certain modifications, of section 406 of the Civil Aeronautics Act of 1938.

Reorganization Plan No. 10 of 1953, which became effective on October 1, 1953, modified the operation of section 406 of present law so as to provide, in effect, that so much of the total air mail rate payable to an air carrier under such section as was determined to be payable without regard to the "need" clause of subsection (b) thereof should be paid by the Postmaster General and that the remainder should be paid by the Civil Aeronautics Board.

Although Reorganization Plan No. 10 thus modified the operation of the law, no actual change was then made, nor has any since been made, in the text of section 406 to reflect the modifications made by the Plan.

In this legislation the Senate, in proposing to reenact section 406 of the present law, made modifications which would have excluded any element of subsidy from air mail rates and would have added a new provision providing for the determination of subsidy payments. Payments would have been made, however, in the manner provided for in Reorganization Plan No. 10. The House committee was not certain that the changes made by the Senate would not make some unintended change in the law as it operates today. It therefore modified the Senate bill so as to retain the text of section 406 as it is in present law, but added a subsection providing, first, that nothing in the section should be held to repeal or modify the Reorganization Plan No. 10 of 1953, and second, that such Plan should apply in the case of section 406 of this proposed legislation as it has been applicable with respect to the operation of section 406 of the Civil Aeronautics Act of 1938, as amended.

The committee of conference feels that it is desirable at this time to restate in statutory form the law as it actually operates at present and to repeal the provisions of Reorganization Plan No. 10, particularly since



one of the objectives of this legislation is to eliminate obsolete and technically inaccurate provisions.

Further study has been given to this matter since the bill passed the House. It has been possible for the committee of conference to work out compromise language which clearly does no more and no less than bring section 406 into conformity with the Reorganization Plan No. 10. With these changes it is possible to repeal Reorganization Plan No. 10 of 1953, and this is done in section 1401 (a) of the bill agreed to in conference.

The total compensation to be fixed by the Board for the transportation of mail by aircraft is to be determined precisely as it is under the present law, and the determination of that part to be paid by the Postmaster General and that part to be paid by the Board will be made on the same basis as at present.

Appeals under section 609: Section 609 of the bill as passed by the Senate and the House amendment, although not identical, both provided a procedure for the amendment, suspension, and revocation by the Administrator of certain types of certificates. These provisions authorized any person affected by the Administrator's action to appeal to the Civil Aeronautics Board.

The bill agreed to in conference follows closely the provisions of the House amendment, but a sentence has been added to provide that in the conduct of its hearings the Board shall not be bound by findings of fact of the Administrator. The addition of this provision probably makes no actual substantive change, but it has been inserted to conform with language appearing in the procedural provisions contained in section 602, with respect to review by the Board of action of the Administrator in denying applications for issuance or renewal of airman certificates.

One respect in which the Senate bill and the House amendment differed, in the case of section 609, was that language was added in the House amendment to provide that when the Board had entered an order in a case appealed to it the Administrator could, as to matters of law, obtain judicial review of the order of the Board under the provisions of section 1006. This provision is omitted from the bill agreed to in conference.

Declaration of policy applicable to Board: Section 2 of the Civil Aeronautics Act of 1938, as amended, now contains a single declaration of policy. In lieu of this single declaration, this proposed legislation (in secs. 102 and 103) contains two declarations of policy, one applicable to the Civil Aeronautics Board and the other applicable to the Administrator of the Federal Aviation Agency.

Section 2 of the present law, in paragraph (f), states in effect that one of the objectives of the act shall be "the encouragement and development of civil aeronautics." This clause has been carried over into both of the declarations of policy in the bill agreed to in conference, but the word "promotion," has been inserted before the word "encouragement."

Some fear has been expressed, in the case of the declaration of policy applicable to the Board, that the addition of this word may be regarded as evidencing an intent that Congress wishes the Board to change in some way the economic regulatory policies or interpretations developed during the past 20 years under the existing law. The addition of this word is not intended to have any such effect.

Effect of reenactment of provisions of present law: The committee of conference wishes to make it clear that it endorses, as expressing the intention of the managers on the part of the Senate and the managers on

the part of the House, the statements in the House debate, and the House Committee Report to the effect that the Congress does not intend that this reenactment of portions of the Civil Aeronautics Act of 1938 shall constitute legislative adoption of administrative interpretations and practices or of judicial decisions under that Act. It is important that there be no doubt on this point, particularly in view of the many legal controversies over the interpretation of the provisions of title IV. The reason for reenactment of the statute, instead of using section-by-section amendments, as the legislative method of creating the Federal Aviation Agency (the main purpose of this legislation), was primarily the difficulty posed by the many amendments which the latter method would have necessitated and the risk of error inherent in that process.

As stated in the report of the House Committee on this legislation, therefore, the reenactment of provisions now in effect is to be regarded as a completely neutral factor in any question arising hereafter as to the interpretation of the present law or of this new legislation.

Effective date: Section 1415 of the Senate bill provided that all of title III and section 1415 should take effect on the date of their enactment and that the remaining provisions should take effect on the 90th day following the date of enactment of the bill, except that the Administrator was empowered to postpone the effective date of any provision of the bill (other than any provision which would take effect on the date of its enactment) to such time as he might designate, but not beyond the 180th day following such date of enactment.

In lieu of the Senate provision, section 1505 of the House amendment provided that certain named sections of title III and section 1505 should take effect on the date of their enactment and that the remaining provisions should take effect on the 30th day following the date on which the Administrator of the Federal Aviation Agency first appointed under the legislation qualifies and takes office.

The effective date provision in the bill agreed to in conference (sec. 1505) is identical to section 1505 of the House amendment, except that the 30-day provision is extended to 60 days.

OREN HARRIS,  
KENNETH A. ROBERTS,  
WALTER ROGERS,  
JOHN J. FLYNT, Jr.,  
CHAS. A. WOLVERTON,  
JOS. P. O'HARA,  
PAUL F. SCHENCK,

*Managers on the Part of the House.*

### INCORPORATING THE MILITARY ORDER OF THE PURPLE HEART

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13558) to incorporate the Military Order of the Purple Heart of the United States of America, of combat wounded veterans who have been awarded the Purple Heart.

The Clerk read as follows:

*Be it enacted, etc.,* That the following persons, to wit: Richard Golick, Chicago, Ill.; William B. Eaton, Lansing, Mich.; Victor F. Kubly, Daytona Beach, Fla.; Luther Smith, Harrisburg, Pa.; Olin E. Teague, College Station, Tex.; Charles E. Potter, Cheboygan, Mich.; Paul H. Douglas, Chicago, Ill.; B. Carroll Reece, Johnson City, Tenn.; Errett P. Scribner, Kansas City, Kans.; Edward Martin, Washington Pa.; Gen. Melvin J. Maas, St. Paul, Minn.; Gen. Patrick J. Hurley, Santa Fe, N. Mex.; Gen. William A. Donovan, New York; Adm. John F. Ford, Hollywood, Calif.

Col. Robert M. Bringham, Los Angeles, Calif.; John J. Martin, Madison, Wis.; Robert Schroeder, Milwaukee, Wis.; Frank A. Weber, Bearer, Pa.; Thomas A. Powers, Brooklyn, N. Y.; Maj. Wilbur E. Dove, Washington, D. C.; Ernest L. Ihbe, Milwaukee, Wis.; Lloyd E. Henry, Hyattsville, Md.; Stanley B. Kirschbaum, Detroit, Mich.; Raymond Cocklin, Daytona Beach, Fla.; Francis J. Maguire, Gloucester City, N. J.; Clifford A. Parmenter, Long Beach, Calif.; Harry H. Dietz, Baltimore, Md.; Charles S. Iskin, Miami, Fla.; Victor N. Lukatz, Cincinnati, O.; John P. Hapsch, Minneapolis, Minn.; Richard J. Flanders, Waukegan, Ill.; Gen. Douglas MacArthur, New York, N. Y.; Gen. James A. Van Fleet, Auburndale, Fla.;

William J. Schroder, Pelham, N. Y.; John H. Hoppe, D. S. C., Alexandria, Va.; John C. Reynolds, Covington, Ky.; Anton Kneller, Philadelphia, Pa.; John L. Schwartz, Albuquerque, N. Mex.; Henry Marquard, Elmhurst, Ill.; James C. Doyle, Arlington, Mass.; Frank Heidel, Harrisburg, Pa.; John E. Schwend, Webster Groves, Mo.; Anthony Badamo, Quincy, Ill.; Joseph E. Stanger, Bridgeton, N. J.; Frank V. Fromme, Jasper, Ind.; Arthur Goetsch, Davenport, Iowa; Joseph Stiegler, Jr., Silver Spring, Md.; William E. Savage, Seattle, Wash.; Jack Medford, Tucson, Ariz.; Joseph C. Kolinsky, Middletown, Conn.; Jack M. Deckard, Tampa, Fla.; Ted J. Swedo, North Chicago, Ill.; Linus Vonderheide, St. Anthony, Ind.; Joseph Earith, Sioux City, Iowa; Howell Brewer, doctor of medicine; Shreveport, La.; Francis Donnelly, Arlington, Mass.;

Bernard J. Young, Chicago, Ill.; Joseph Richter, St. Louis, Mo.; William Long, North Troy, N. Y.; Kevin J. Murphy, Bronx, N. Y.; William H. Kinsinger, Columbus, Ohio; Carl R. Carlson, Portland, Oreg.; Ray Dorris, Portland, Oreg.; James Gehas, Coatesville, Pa.; Charles J. Showalter, Lancaster, Pa.; Aloysius J. Healy, Madison, Wis.; Charles O. Carlston, San Francisco, Calif.; Andrew Munson, Sioux Falls, S. Dak.; Peter C. Mueller, Glendora, Calif.; John D. Goodin, Johnson City, Tenn.; Lars Eilefson, Billings, Mont.; W. Phil Bohnert, Indianapolis, Ind.;

Orral O. Jackson, Sioux Falls, S. Dak.; Maj. Gen. Thomas F. Foley, Worcester, Mass.; Rev. Alfred W. Price, Philadelphia, Pa.; John T. Mullins, New York, N. Y.; Frank Cushner, Ansonia, Conn.; Col. Walter F. Bowman, California; Michael Thiede, Dearborn, Mich.; Robert Sobel, Phoenix, Ariz.; Ray Schulze, Yountville, Calif.; Joseph Feingold, Miami, Fla.; Herbert McFarland, Cumberland, Md.; Arthur LaBrack, Brighton, Mass.; John W. Fitzer, Jr., Detroit, Mich.; Arthur F. D. Evans, St. Louis, Mo.; Roland C. Smith, Orange, N. J.; Charles Burkhardt, Troy, N. Y.; Hugo Engler, Ridgefield, Wash.; Edward Commers, Helena, Mont.;

Theodore Fauntz, Seattle, Wash.; Albert O. Rabassa, Baltimore, Md.; Michael Doohan, New Haven, Conn.; Occa V. Phillips, St. Cloud, Minn.; Uriah Lucas, Salisbury, N. C.; Donald Lindley, Kansas City, Mo.; Percy O. Buterbaugh, Lincoln, Neb.; Stanley C. Lagnaskey, Trenton, N. J.; Alfred J. Gardner, Statesville, N. C.; Sagie Nishioka, Salem, Oreg.; Edgard Eichler, San Antonio, Tex.; H. J. Thelsen, Port Orchard, Wash.; Col. Michael Ushakoff, Seattle, Wash.; Alfred H. Klimeschmidt, Reno, Nev.;

Francis J. Cayouette, Augusta, Maine; William Floyd, Aurora, Colo.; Henry H. Carter, Jr., North Augusta, S. C.; Ike Parish, Marianna, Ark.; Daniel P. Borota, Gary, Ind.; Jerome S. Daunhauer, Ferdinand, Ind.; Robert H. Gamber, Davenport, Iowa; William Powers, Lyndon, Ky.; Col. Michael Glossinger, Waneland, Miss.; Kenneth Spry, Wyandotte, Mich.; Joseph C. Taylor, Youngstown, Ohio; George A. Davis, Helena, Mont.; Harold H. Hamilton, Lancaster, Pa.; Thomas H. McGovran, Charleston, W. Va.;

Bernard Maurer, Edgemoor, Del.; Marcus E. Diffenderfer, Ossipee, N. H.; Andrew







elimination of the Senate limitation of 300 rural redevelopment counties, of the appointment of local redevelopment committees, and of the specific employment of private firms for technical assistance; and (e) minor changes in the urban renewal part of the program."

13. FARM PROGRAM. Sen. Proxmire stated that the April 1 reduction in dairy price supports cost Wis. dairymen \$8 $\frac{1}{2}$  million in the past 4 months, and that at the same time consumers had not benefited, and alleged that the Administration's policies were aiding only the middleman. He inserted a table showing the increase in USDA expenditures since 1953, and quoted from a 1952 speech by the President as a basis for contending that the Secretary was following a contrary policy. pp. 17534-6  
Sen. Martin, Iowa, spoke on "Fifty Facts For Farmers," citing various statistics and information to show that trends in agriculture were favorable. pp. 17614-6
14. EDUCATION. Agreed, 66 to 15, to the conference report on H. R. 13247, the national defense education bill. pp. 17577-87  
Sen. Neuberger inserted an article on the national defense education bill, H. R. 13247. p. 17753
15. PUBLIC DEBT. Passed as reported, 57 to 20, H. R. 13580, to increase the public debt limit to \$288 billion through fiscal year 1959, and \$283 billion thereafter. pp. 17629-30, 17725, 17729-49, 17753-4
16. PERSONNEL. Concurred in the House amendments to S. 1903, to provide that Presidential appointees who serve specific terms of more than 2 years overseas shall be entitled to travel expenses, the same as other Federal employees, when they return to their place of residence at the end of their tour of duty. p. 17590  
Sen. Allott commended Federal employees who "under handicaps of more work with fewer people, are doing so well in the field of public service," and cited the Federal Housing Administration office in Colo. as an example. p. 17540
17. FOREIGN AID. Senate began debate on H. R. 13192, the mutual security appropriation bill for 1959. The committee amendments were adopted. pp. 17747-50  
Sen. Watkins submitted an amendment to be proposed to H.R. 13192, the mutual security appropriation bill for 1959, to add \$2.5 million to the bill and allow the President to use such funds to alleviate economic hardships overseas caused by the application of the application of the escape clause provision of the Trade Agreements Act. p. 17515
18. SURPLUS COMMODITIES; FOREIGN TRADE. Sens. Schoeppel urged enactment of legislation to extend Public Law 480 so as to aid in sales of surplus farm commodities. pp. 17529-30
19. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 13856, the independent offices appropriation bill for 1959 (S. Rept. 2495). p. 17754  
Sens. Bridges and Williams submitted an amendment to be proposed to H. R. 13856, the independent offices appropriation bill for 1959, to request the President to reduce expenditures 2% on defense items, and 4 to 10% on other appropriations (except for fixed cost items such as interest, pensions, Federal-State cooperative benefits, or veterans compensation), with a report on actions taken on such review to be included in the 1960 budget. p. 17754
20. CONTRACTS. Passed as reported H.R. 11749, to extend the Renegotiation Act of 1951 for 6 months. Senate conferees were appointed. pp. 17558, 17596-9



21. VIRGIN ISLANDS. Adopted the conference report on H. R. 12226, to extend until June 30, 1959, the charter of the Virgin Islands Corporation, including new authority to operate salt water distillation facilities and continuation of authority for sugar production. p. 17600

22. FRUITS. Sen. Langer inserted an article on a proposed chokecherry preserve industry in N. D. pp. 17752-3

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23. MUTUAL SECURITY APPROPRIATION BILL, 1959. Both Houses received and agreed to the conference report on this bill, H. R. 13192 (H. Rept. 2704). The Senate had passed the bill earlier as reported by the Appropriations Committee. pp. 17787-88, 17826-48, 17850-62, 17955-6, 17974-8, 17991-2, 18897-98 This bill will now be sent to the President.

24. INDEPENDENT OFFICES APPROPRIATION BILL, 1959. Passed with amendments this bill, H. R. 13856. (pp. 17865-76) Rejected, 30 to 45, an amendment by Sen. Williams for himself and several others, which would have requested the President to review expenditures programmed by the Federal agencies during 1959, and to reduce expenditures 2 percent on defense items, and 4 to 10 percent on expenditures of other agencies (except for certain fixed cost items), and to report on actions taken on such a review to be included in the 1960 budget. (pp. 17868-74) The House concurred in the Senate amendments with an amendment of its own. (p. 17965) The Senate then concurred in the House amendment. (pp. 17994-7) This bill will now be sent to the President.

Received from the President a supplemental appropriation request for the Departments of Labor and Treasury (S. Doc. 119). p. 17758

25. FORESTRY. Passed without amendment H. R. 12281, to authorize the Secretary of Interior to exchange lands to provide for an administrative site in the El Portal area of the Yosemite National Park, including the exchange of National Forest land. (p. 17790) This bill will now be sent to the President.

Sen. Morse inserted a series of resolutions adopted by the Ore. State Labor Council relating to forestry, timber, forest disease, water power, etc. pp. 17776-8

26. BUTTER; CHEESE. Agreed to the House amendments to S. 2006, to amend the Internal Revenue Code of 1954 so as to relieve the Surgeon General of the Army and Navy from sitting with the Secretary of Agriculture on appeals boards to decide appeals from the decision of the Secretary of the Treasury on cases involving deleterious substances in butter or oleomargarine or in any substance in the manufacture of so-called filled cheese. (pp. 17786-7) This bill will now be sent to the President.

27. SCHOOL LUNCHES. Agreed to the House amendment to S. 1764, to authorize payment of the cost of free lunches for needy children in the D. C. public schools. (p. 17787) This bill will now be sent to the President.

28. FOOD ADDITIVES. Passed with amendments H. R. 13254, to prohibit the use of food additives until after adequate tests of their safety have been determined. Agreed to an amendment by Sen. Williams to exempt from the bill those products regulated under the Poultry Products Inspection Act. The House concurred in the Senate amendment to the bill. (pp. 17791-2, 17938) This bill will now be sent to the President.



Senator will suspend until the Senate comes to order.

Mr. JAVITS. Mr. President, I ask what is contained in the House amendments?

Mr. EASTLAND. The House amendments add to the Netherlands quota 3,136 people of Dutch nationality. That includes the principal applicants plus their wives and children, people who were run out of Indonesia. Generally the people are technicians, professional people of Dutch blood who were run out of Indonesia.

The proposal is supported by the administration and by the State Department.

Mr. JAVITS. Mr. President, I had occasion, when the bill was before the Senate, to invite the attention of the Senate to the fact that it represented a preferential treatment for some people who were going to be admitted from the Azores. We have now added to that some people who are refugees from what were the Dutch East Indies.

Each of these objectives is desirable. At the same time, as I stated to the Senate at the time, one is informed that any effort to deal with general immigration problems by using the vehicle which is provided by the bill or by the conference report will result in killing the measure, which is desirable on its own. No person like myself, who is interested in the deep problems of people, is going to take that chance. I know it is not an idle threat. I am sure the result would actually occur. So I did not seek to make the bill or to make the conference report a vehicle for far more inclusive immigration action.

At the same time, it should be made clear that far more inclusive immigration action in the interest of the United States is urgently required. Therefore, when the Senator from Mississippi was gracious enough to tell me he was going to bring the matter up, I arranged to ask him some questions as to what we might expect in January of next year in respect of an opportunity to get some immigration legislation which is urgently required by the national interest. I should like to propound these questions.

The first matter to which I think we must direct our attention in all fairness is the situation of 200,000 refugees from behind the iron curtain who are non-resettled in Europe, who are the subject of a most comprehensive report issued by the Zellerbach Commission on the European refugee situation, sponsored by the International Rescue Committee.

Mr. EASTLAND. We gave them 14,000 members in the act which was passed last year. The administration is still filling that quota. The quota is not yet full.

I will tell the distinguished Senator I hope that in January the Immigration Subcommittee will go thoroughly into the question of immigration.

Mr. JAVITS. Will the committee go thoroughly into the question of these particular refugee escapees, covered by a very extensive report involving a very important factor in the cold war between us and the Soviet Union?

Mr. EASTLAND. Yes. We will go thoroughly into that matter.

Mr. JAVITS. With a sympathetic view toward trying to do something about it?

Mr. EASTLAND. With a view to attempting to do the right thing by all people.

Mr. JAVITS. With respect to the law we now have on the books, the Refugee Act as extended 2 years, which expires in July of 1959, as of July 28 last there were 12,524 applicants under the section of the law for the 14,556 visas available, and only 252 visas had been issued.

In short, we constantly stymie ourselves with a tremendously slow executive operation in this field.

Mr. EASTLAND. It is a slow executive operation. That is the fault of the Department of State and not of the law. I am going into the matter to see what can be done to speed the process up.

Mr. JAVITS. The second point of vital importance is the situation of some 70,000 to 80,000 people of the so-called fourth preference category. These are individuals who principally come from Italy and Greece, who have reached majority or are married, sons and daughters, brothers or sisters of United States citizens. In the particular cases of these two quotas, Italian and Greek, there cannot even be met the first, second, and third preferences. Hence there is a tremendous pileup of close relatives of United States citizens, 70,000 to 80,000, awaiting some action by the Congress. May we have some expression as to the intention of the committee on that subject?

Mr. EASTLAND. I will state, as chairman of the Immigration Subcommittee and of the Judiciary Committee, that I intend to go very carefully into that subject.

Mr. JAVITS. Again, with the idea of trying to do something about it?

Mr. EASTLAND. Surely.

Mr. JAVITS. Finally, Mr. President, I know the views of the Senator from Mississippi on the question of the quota system of the United States, but nevertheless a great many of us feel that maintaining, as we do, the 1920 census—3 censuses before the last—as the basis for establishing nationality quotas, which arbitrarily cuts off some 65,000 additional opportunities for worthy immigration into the United States, is simply wrong. The administration is against it. I think a great body of opinion in the country is against it.

May we ask the Senator from Mississippi whether he will afford a hearing early in the next session of Congress on the entire question of the quota system?

Mr. EASTLAND. Yes. I am going into the quota system. I want to be perfectly frank; the Senator from Mississippi is opposed to changing the quota system.

Mr. JAVITS. I understand.

Mr. EASTLAND. I am only one member of the Judiciary Committee, 1 of 15. This will be a decision the committee will have to make.

Mr. JAVITS. I will say, although the Senator is 1 of 15 members, I wish he were on our side.

Nonetheless, Mr. President, I appreciate the fact, and I take the Senator's word for the fact, that we will seriously have an opportunity to tackle these three matters.

Mr. EASTLAND. That is correct.

Mr. JAVITS. I thank the Senator, and I have no objection to the approval of the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi [Mr. EASTLAND] that the Senate concur in the House amendments.

The motion was agreed to.

#### PROTECTION OF PRODUCERS AND CONSUMERS AGAINST MISBRANDING AND FALSE ADVERTISING OF FIBER CONTENT OF TEXTILE FIBER PRODUCTS—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, 8, 9, 12, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 7, 13, 17, 19, 20, 21, 22, and 23, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows:

One page 2, line 14, of the Senate engrossed amendments, strike out "(f)" and insert "(g)."

One page 2, line 17, of the Senate engrossed amendments, after the word "product" where it appears the second time insert a comma.

On page 2, line 19, of the Senate engrossed amendments, strike out the comma after "animal."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

On page 3, line 4, of the Senate engrossed amendments, strike out "(g)" and insert "(h)."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:



On page 3, line 15, of the Senate engrossed amendments, strike out "4 (g);" and insert "4 (h)."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "furniture, mattresses, and box springs."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

On page 3, line 21, of the Senate engrossed amendments, after "under" insert a comma.

And the Senate agree to the same.

WARREN G. MAGNUSON,  
MIKE MONRONEY,  
ALAN BIBLE,  
ANDREW F. SCHOEPPPEL,  
JOHN M. BUTLER,

*Managers on the Part of the Senate.*

OREN HARRIS,  
JOHN BELL WILLIAMS,  
PETER F. MACK, JR.,  
CHAS. A. WOLVERTON,

*Managers on the Part of the House.*

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, on this bill, the Senate conferees receded on amendments Nos. 1, 2, 3, 6, 8, 9, 12, and 15. The House conferees receded on amendments Nos. 4, 5, 7, 13, 16, 19, 20, 21, 22, and 23. The House also receded on amendments Nos. 10, 11, 14, 17, and 18, with amendments. These amendments are minor, and are to correct punctuation, properly designate subsections, or to clear the wording of parts of the bill.

Mr. President, section 12 of the legislation designates exemptions. Since there was so much interest in exemption No. 2, as agreed to by the conference, it will read "outer coverings of furniture, mattresses and box springs;". The conferees decided to use the descriptive term "outer coverings of furniture" rather than upholsteries for the simple reason that while upholsteries does include the coverings of furniture, it also includes draperies and curtains.

Exemption No. 6 has to do with floor coverings. So that the Senate will understand clearly the effect of the conference agreement, this exemption will now read "backings of, and paddings and cushions to be used under, floor coverings."

The bill as approved by the conferees is much the same as the bill your committee brought to the floor of the Senate plus the amendments made on the floor at the recommendation of the committee. We believe we have improved the bill. We believe that the bill will protect the consumer in purchasing household textile products and that it is essential and necessary legislation. I move that the Senate approve the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

## TRAVEL EXPENSES OF CIVILIAN OFFICERS AND EMPLOYEES

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1903) to amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States, which were, on page 2, line 1, strike out "transportation for himself and" and insert "round trip travel for himself and transportation of", and on page 2, line 9, strike out "or serving the unexpired portion of his term."

Mr. JOHNSTON of South Carolina. Mr. President, S. 1903, a bill to amend the Administrative Expenses Act of 1946, relating to the travel expense of employees assigned to duty outside the continental United States, is at the desk with technical amendments approved by the House.

The House amendments in no way change the substance of the bill. Approval was suggested by the Bureau of the Budget and the Comptroller General and the amendments should, in my opinion, be accepted by the Senate.

Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

## EFFECTIVE DATES OF COMPENSATION INCREASES FOR WAGE BOARD EMPLOYEES—CONFERENCE REPORT

Mr. JOHNSTON of South Carolina. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 25) relating to effective dates of increases in compensation granted to wage board employees. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JOHNSTON of South Carolina. Mr. President, this measure is designed to establish a day certain for increases in compensation granted wage-board employees. The Senate version fixed the day as the beginning of the first pay period occurring on or after the 30th day, exclusive of Saturdays and Sundays, following the date on which the wage survey was first ordered.

The House version fixed the day as of the beginning of the first pay period occurring on or after the 45th day following the date on which the collection of data started.

The conference agreement accepted the 45 days contained in the House ver-

sion, but provides that it shall be from the date the collection of data is officially ordered.

This is, in effect, a compromise between the Senate and the House versions.

The Senate accepted this compromise somewhat reluctantly. It did so without prejudice to further consideration of the problem at an early date, should it be found that agencies—particularly the Department of Defense—are not responding fully to the desire of Congress that wage-board surveys be conducted expeditiously and that increases resulting therefrom be put into effect promptly.

I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

## NATIONAL CULTURAL CENTER IN DISTRICT OF COLUMBIA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3335) to provide for a National Cultural Center which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia which was, on page 6, after line 21, insert:

### TERMINATION

SEC. 7. (a) This act shall cease to be effective, and all offices created by this act and all appointments made under this act shall terminate, if the Board of Regents of the Smithsonian Institution does not find that sufficient funds to construct the National Cultural Center have been received by the trustees of the National Cultural Center within 5 years after the date of enactment of this act.

(b) If the offices of trustees of the National Cultural Center terminate under the provisions of subsection (a), all funds and property (real and personal) accepted by the trustees of the National Cultural Center under section 5 (a), and income therefrom, shall vest in the Board of Regents of the Smithsonian Institution and shall be used by the Board of Regents of the Smithsonian Institution to carry out the purposes of the act entitled "An act to provide for the transfer of the Civil Service Commission building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution," approved March 28, 1958, and for the acquisition of works of art to be housed in the building referred to in such act.

Mr. McNAMARA. Mr. President, the amendment of the House has been cleared by the leadership on both sides. It has the approval of everyone concerned; and the chairman of the Committee on Public Works [Mr. CHAVEZ] asked me to move that the Senate concur in the House amendment. I so move.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to.

Mr. FULBRIGHT subsequently said: Mr. President, I wish to thank the Senator from Michigan for the very fine work he has done in handling H. R. 3335, with respect to which the Senate has just concurred in the House amendment. The Senator from Michigan has







Public Law 85-858  
85th Congress, S. 1903  
September 2, 1958

AN ACT

72 Stat. 1274.

To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 7 of the Administrative Expenses Act of 1946, as amended (5 U. S. C. 73b-3), is amended by inserting after the third proviso the following new proviso: "*Provided further,* Any officer or employee of the United States appointed by the President, by and with the advice and consent of the Senate, to serve for a term fixed by law, whose post of duty is outside the continental United States, shall be allowed expenses of round trip travel for himself and transportation of his immediate family, but excluding household effects, from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment to such overseas post of duty, at the end of each two years of satisfactory service completed overseas, if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least two more years of overseas duty."

Federal employ-  
ees.  
Travel ex-  
penses out-  
side U.S.  
68 Stat. 1008.

Approved September 2, 1958.







